

S/L 19
20.01.2021
Court. No. 19
GB

C.O. 103 of 2021

Gunjan Shah
Vs.
Promod Nawalgaria & Ors.

(Through Video Conference)

Mr. Gunjan Shah

... Petitioner In-person.

This revisional application has been filed challenging the order dated August 18, 2020, passed by the learned Additional District Judge, 7th Court at Barasat, District 24 Parganas (North).

The petitioner is the father, who applied before the learned court below for an order directing the minor girl child be taken out of North Point Secondary Boarding School and be admitted to Delhi Public School, New Town where she had been studying. It is the contention of the petitioner that the child was studying in Delhi Pubic School, New Town and the child was performing well but suddenly the child was taken out of the said school. It is submitted that Delhi Public School, New Town is a more reputed school and the child who is now in Kindergarten ought to go to the said school up to class XII and avail of the academic and other extra curricular facilities available in the said school. It is further submitted that North Point Secondary Boarding School is

not as good as Delhi Public School and it has limited opportunities.

The learned court below has rejected the said prayer of the petitioner on the ground that the petitioner has failed to show before the court how the child's education at North Point Secondary Boarding School was suffering. The learned court held that the petitioner failed to file a single scrap of paper to show that the child was not studying well. The learned court also came to the conclusion that reputation of a school would not suggest that the student was not getting good education elsewhere. Accordingly, the prayer was rejected. It also appears that the petitioner has filed a suit against the schools which is pending in the court of the learned Civil Judge (Senior Division), 2nd Court at Barasat being Title Suit No.915 of 2019 and made the four year child a plaintiff.

Under such circumstances, I do not find any illegality or material irregularity of the order impugned. However, rejection of this application will not have any impact in Title Suit No. 915 of 2019. The rejection of this application will also not have any impact on the visitation rights, already granted to the petitioner by the appropriate court. The petitioner is also at liberty to apply before the learned court alleging non-compliance of the orders passed as virtual interaction with the child is allegedly being obstructed by the opposite party. This Court however does not make any comments on the merits of such claim of the petitioner and

the learned court below will decide such application, if filed, in accordance with law without being influenced by any observations made hereinabove.

The revisional application is dismissed.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)