

21.01.2021
Sl. No. 35
srm

C.O. No. 1058 of 2020

**Smt. China Paul
Vs.
Sri Abhijit Paul**

Mr. Manoranjan Mahata,
Mr. Arup Kumar Das

...for the Petitioner.

Mr. Biswajit Hazra,
Mr. Archisman Sain

...for the Opposite Party.

This revisional application has been filed by the mother in a proceeding under the Guardians and Wards Act (hereinafter referred to as the said Act) in the court of the learned Additional District Judge, Fast Track, 3rd Court at Barasat.

The petitioner filed an application under Section 10 of the said Act being Act VIII Case No.172 of 2019. During the pendency of the Misc. Case No.172 of 2019, the petitioner filed a Misc. Case 247 of 2019, which is an application under Section 12 of the said Act, seeking an interim order to visit the minor girl child. The learned Court below rejected the said application by an order dated February 24, 2020, on the ground that there were allegations that the petitioner had voluntarily abandoned the girl child and left the matrimonial home. Thus, according to the learned Court below,

adjudication of the interim application for visitation rights would lead to prejudging the issues in the custody case.

Aggrieved, the mother has moved this revisional application and seeks a direction for allowing her to visit the girl child.

Today the Court had an interaction with the girl child, namely Anushka Paul, in the virtual platform. The child is aged 8 years and 9 months. She is a bright and interactive child and the court felt that she would not be comfortable to meet her mother alone. The Court also interacted with the petitioner's father, namely, Mr. Gokul Chandra Paul, who is a retired school teacher. The child seems to be fond of her maternal grandparents and close to them.

Upon hearing the learned Advocates for the respective parties and upon interacting with the parties themselves, the Court feels that justice would be sub-served if the interaction between Chaina Paul/petitioner (mother) and Anushka Paul (minor girl child) takes place in the house of the grandparents (Chaina's parents) at Village-Gaighata, Garibpur, P.O. Gaighata, P.S. Gaighata, District- 24-Parganas (North), PIN- 743249, and in the presence of Chaina's parents. The petitioner will be accompanied by her elder sister. The opposite party/husband, namely, Mr. Abhjijit Paul, will take the child to the grandparent's residence. The opposite party will be

allowed to sit and wait in a separate room. The interaction between Chaina and Anushka will take place in the presence of the grandparents in another room. The opposite party shall not be allowed any entry to the said room during such time. Such interaction will take place on very 2nd and 4th Saturday of each month between 4.00 p.m. to 5.00 p.m. The parties are directed to co-operate. The interaction shall be exchange of usual views and ideas between the mother and the child and no other kind of discussions will be permitted. Such visitation will begin from February, 2021.

The mother will be entitled to give gifts to her child. All the parties are restrained from discussing the matrimonial issues and the matrimonial battle that is going on between the parties. No allegations and counter-allegations will be made against either party in front of the child. The opposite party/father is also directed to co-operate and ensure compliance of this order.

This arrangement will carry on till the disposal of the proceedings in the learned Court below. The order impugned is set aside. The learned court below is directed to expedite disposal of the proceedings pending before it at the earliest.

With the above arrangement, the revisional application is disposed of.

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.)