

Ct. 08
Item No.05
15.06.2021
(suvendu)

CO 1177 of 2021

(Via Video Conference)

Partha Pratim Dey
Vs.
Mitali Dey (Bose)

Mr. Anindya Bose
.....for the petitioner

This is an application filed by the petitioner/husband who is the plaintiff in a matrimonial suit filed before the learned Additional District Judge, 2nd Court, Barrackpore, North 24 – Parganas. The petitioner is aggrieved by the non-compliance of an earlier order dated 4th September, 2017 by which the petitioner was granted visitation rights and the local police station was directed to arrange for a place where the petitioner could meet his minor son.

Learned counsel appearing for the petitioner places the impugned order passed by the learned Additional District Judge, 2nd Court, Barrackpore, North 24 –Parganas dated 30 August, 2019 which noted a submission of the petitioner that the opposite party was reluctant to comply with the earlier order for which reason the petitioner filed contempt petition. The petitioner's application for seeking custody of the minor child for seven days in a month was, however, rejected by the learned Judge on the ground that the

matter can be decided only after taking evidence and that the petition for custody has been filed prematurely.

Having perused the orders, this Court is of the view that the petitioner should be heard and the learned Court below should consider the application for custody expeditiously. It appears that no progress has taken place in the matter after 30th August, 2019. Almost two years have passed since then. The learned Court below is, therefore, directed to list the matter within four weeks from date and consider the matter as expeditiously as possible without granting any unnecessary adjournments to any of the parties thereafter.

CO 1177 of 2021 is disposed of in terms of the above direction.

The petitioner is directed to serve a copy of this order on the opposite party within 24 hours from date.

(Moushumi Bhattacharya, J.)