

**In the High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side**

C.O. No. 1194 of 2021
(Via video conference)

Bappa Dey
-Vs.-
Smt. Aditi Dey (Ghosh)

Ms. Deblina Lahiri,
Mr. Mrinmoy Chatterjee
...for the petitioner

Despite service, none appears for the opposite party.

Learned counsel for the petitioner is justified in contending that the trial court committed a jurisdictional error on two scores while passing the impugned order:

- (i) There was no justification for refusing gifts being given by the petitioner-father to the child of the parties at the time of visitation; and
- (ii) The visitation right was given at the court premises, which is evidently not conducive to the welfare of the child.

Since none appears for the opposite party, as indicated above, there is no option but to dispose of the revisional application *ex parte*.

Accordingly, C.O. No. 1194 of 2021 is allowed, thereby modifying Order No. 16, dated March 15, 2021, passed by the learned District Judge, Hooghly, in Matrimonial Suit No. 295 of 2019, by permitting the petitioner-father to visit his child, as per the schedule and time fixed by the trial court in the impugned order, at the residence of the opposite party and not at the court premises. During such visitation for about two hours approximately, the opposite party and/or her family members shall not disturb such visitation in any manner whatsoever. That apart, the petitioner-father shall be entitled to hand over gifts of any nature to his child during such visitation without any obstruction being created thereto by the opposite party and her family members.

It is made clear that in the event there is any difficulty in such visitation, on behalf of either of the parties, the parties shall be free to approach the trial court for seeking further modification of this order. It is also made clear that the rights and contentions of the parties in the suit and connected applications, pending in the court below, shall not be affected adversely by any of the observations made herein.

Keeping in view the pandemic situation, the father-petitioner, upon prior notice to the opposite party-mother, shall be entitled to exercise such right of visitation, as indicated above, if necessary, by video conferencing on any social platform.

Both parties as well as the court below shall act on the written communication of the learned advocate for the petitioner, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the petitioner upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)