

Sl. 4
11.08.2021
tbsr

CO 1320 of 2021

Babul @ Babul Kanti Nandy and another
-vs-
Chittaranjan Bhunia and another

Ms. Ishita Biswas
Mr. Dhananjay Nayak
...for the petitioners

Mr. Sounak Bhattacharya
Mr. Sounak Mandal
...for the opposite parties

Affidavit of service, filed today, be kept on record.

The present challenge has been taken out by the father/natural guardian of a minor child of 7 years age, against an order whereby the petitioner was restrained by an order of injunction from interfering with the custody of the child, who is at present being brought up under the care and custody of the present opposite parties. The present opposite parties are the maternal grandparents of the child whereas the petitioners are her parents.

At the outset, learned counsel appearing for the opposite parties indicates that the impugned order dated March 8, 2021 was passed only till appearance of the opposite parties therein, that is the present

revisionist petitioners. In view of the appearance of the revisionist petitioners on April 23, 2021 the said order has automatically spent its force.

As such, there is no scope for interference with the same.

Learned counsel for the petitioners submits that in the event it is conceded that the order is no longer operative at present, he does not want to press the challenge any further.

Accordingly, C.O. 1320 of 2021 is disposed of as infructuous, in view of the submission of the opposite parties as recorded above, since the impugned order itself has become inoperative due to appearance of the present petitioners in the court below, by dint of the conditions implicit in the said order.

It is, however, made clear that the merits of the matter before the trial court have not been gone into by this court at all and the court below will be free to adjudicate on all interim applications and the main matter in accordance with law, without being influenced any manner by any of the observations made in this order or the order impugned herein.

In view of the nature of urgency involved, since the matter contends to the custody of a minor child, the trial court is requested to expedite the hearing of the matter and to dispose of the interim applications

pending in connection with Act VIII Case No. 08 of 2021 as expeditiously as possible, positively within one month from the date of communication of this order to the court below.

The parties as well as the trial court shall act on the written communication of the learned advocates for the parties, accompanied by a server copy of this order, without insisting upon prior production of a certified copy.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)