

|           |                |
|-----------|----------------|
| <u>Sn</u> | <u>16.4.21</u> |
| <u>3</u>  |                |

**C.O.2875 of 2019**

# ANIRBAN CHATTOPADHYAY VS. SANHITA

**(Through Video Conference)**

**Mr. Partha Pratim Roy**  
**Ms. Deblina Lahiri**  
**..for the petitioner**  
**Mr. Joydip Banerjee**  
**Mr. Jayanta Datta**  
**Mr. Atanu Mondal**  
**..for the opposite party**

This revisional application is filed by the petitioner/father praying for visitation rights of the son. The petitioner is aggrieved by an order dated August 16, 2019, passed by the learned Additional District Judge, Barasat in a Act VIII Case, being Misc. Case No. 175 of 2018.

Certain directions had been passed by the learned Court below, which were required to be altered in view of the changed circumstances as the petitioner could not travel to India from Singapore and the order impugned could not be executed. Certain other directions were passed which were not possible for the petitioner to abide by and hence this revisional application was filed.

The father/petitioner is working from home now. He is an N.R.I. and he is likely to stay in Kolkata at his rented accommodation atleast up to June 12, 2021.

On March 26, 2021, an interim arrangement was made by this Court and two weekends were allowed for the father to interact with the child between 9-00 a.m. to 9-00 p.m. At the request of the mother, the mother was allowed to accompany the child. The direction was that she would be present in the petitioner's flat but should spend her time in a separate room. Arrangement for her comfort and transport was directed to be made by the petitioner.

Parties are before this Court. The interim arrangement was executed and no complaint has been received, insofar as the interaction between the father and the child is concerned.

However, it is contended by the mother that her presence in the house was not made comfortable by the petitioner. These are not issues to be decided in this proceeding. It was the mother, who insisted to be present in the petitioner's house during such interaction and her prayer was allowed. The issue is with regard to the visitation right of the father and the child's response.

It is prayed that the interim arrangement as made by this Court may continue with a further direction that the child may be allowed to stay at night with the father during on relevant dates.

Having heard the rival contentions of the parties, as I do not find that the interaction between the

child and the father was bitter but on the contrary enjoyable, this Court makes the following interim arrangements, with further liberty to the parties to approach the learned Court below for future arrangement after June 12, 2021, if the situation so demands. This arrangement will continue up to June 12, 2021 as follows:-

A) On every Saturday from 9-00 a.m. to 9-00 p.m. the child shall spend time with the father at the Space Town residence of the father. The mother/opposite party is at liberty to accompany the child and wait in a separate room. Transport and meals for the opposite party shall be arranged by the petitioner.

B) The father will be entitled to spend the day as he pleases and as per desire of the child but it is categorically made clear that Covid protocol has to be maintained and the petitioner shall not take the child to over crowded public places. Space Town has its own entertainment centre and play area. It is directed that outdoor activities with the child should be restricted to the community centre, play area and the compound of Space Town.

C) Indoor games, Board Games, Movies etc. should be the other activities for the time being till situation improves.

D) Amongst the Saturdays, on April 24, 2021

and May 22, 2021, the child shall be entitled to spend the night with the father at the residence of father's sister (Pishi). The opposite party/mother will be at liberty to spend the night at the Space Town flat. In view of the proximity between the petitioner's residence and the Sister's residence, the mother will be close by so that her anxieties are allayed. It goes without saying that the petitioner shall make all necessary arrangement for the comfort of the opposite party during her stay, as directed hereinabove. Parties are directed to co-operate in the best interest of the child.

The order impugned is quashed and set aside.

With this interim arrangement, this revisional application is disposed of.

The parties are at liberty to approach the learned Court below for further orders as and when the occasion so arises. A report shall be filed by both the parties in the learned Court below indicating how this arrangement worked out. The learned Court below, if necessary, may interact with the child via Video Conference or by Video Call while considering future visitation after June 12, 2021.

This Court has not gone into the merits of the issues involved before the learned Court below with regard to custody but has restricted the order to the visitation rights of the father till June 12, 2021.

This revisional application is disposed of.

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

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

*(Shampa Sarkar,J.)*