

S/L 6 & 7
08.01.2021
Court. No. 19
GB

C.O. 1615 of 2020
With
C.O. 3093 of 2019
With
CAN 1 of 2020
(Old No. CAN 3848 of 2020)

Arijit Mitra
Vs.
Rituparna Basu Mitra

(Through Video Conference)

*Mr. Probal Kumar Mukherjee,
Mr. Srijob Chakraborty,
Mr. Rohit Banerjee,
Mr. Amitava Bhowmik.*

...for the Petitioner.

*Mr. Tanmoy Mukherjee,
Mr. Khaza Raihan Ahmed.*

...for the Opposite Party.

The revisional application being C.O.1615 of 2020 and C.O.3093 of 2019 arise out of orders passed from time to time in Matrimonial Suit No.2 of 2018 pending before the learned Additional District Judge, 13th Court at Alipore with regard to interim visitation and custody of the minor son of the parties, Sourajit Mitra.

The matters have been heard at length.

The father is the petitioner before this Court in both the civil revisions. The grievance of the petitioner is that the learned court below has turned down the application for overnight custody of the son being influenced by an

arrangement which was made by this Court by an order dated June 15, 2018 passed in C.O.1391 of 2018.

I have had the occasion of interacting with the child. The child apprehends that he is in Class X and he is appearing in the ensuing ICSE examination, to be held in 2021. He has refused to stay at the father's house at night. I have also understood from the course of conversation that the child would not be comfortable to stay over at the father's house at the moment. However, the child is not totally averse to meeting the father.

Having had such conversation with the child for a substantial period and for the best interest of the child, this Court finds that justice would be sub-served in this case, if at the moment the visitation right of the father is increased to a limited extent.

The petitioner will send a car to the residence of the mother at 3O'clock every Saturday afternoon to pick up his son. The mother will accompany the son. The son will spend the time between 3.30 p.m. to 5.30 p.m. with the father in the father's house. The mother will be seated in a separate room and will have no access to the area where the father and son interact. Thereafter, the child shall be dropped back to his mother's residence in the father's car. As this is his ICSE year, the child shall be free to carry his books and Laptop so that he may do some studies at the father's residence.

With the above observations, these revisional applications are disposed of. However, disposal of these revisional applications will not prevent the father from making appropriate application at the appropriate stage in the suit for overnight custody or for other reliefs as per law, if the situation so arises. Such visits will begin from January 9, 2021.

The revisional applications are 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.)