

27th January,
2022
(AK)
60-61

**CRC 1 of 2019
In
C.O. 687 of 2018
With
CRC 2 of 2019**

(Via Video Conference)

Abhishek Chakraborty
Vs.
Ranjit Das

Mr. Soumya Mazumder
Mr. Suman Dey

...for the petitioner.

Mr. aniruddha Chatterjee
Mr. Amar Mitra

...for the alleged contemnor.

It must be recorded at the outset that I had met both the children, in respect of whom visitation has been sought, on the last occasion when the minor children were directed to be produced in court.

After having a discussion with the children, the elder of whom has attained the age of intelligent preference, it appeared that the children are adamant in their refusal to meet the petitioner, that is, their father.

Such refusal may be for various reasons, more so since the children are undoubtedly still at an impressionable age. However, in view of the children being so adamant at the present moment in going to the petitioner, further time will be required to crease out the

apprehensions in the mind of the children, which can only happen if further visitations by the petitioner take place.

Learned counsel appearing for the alleged contemnor, in his usual fairness, submits that the alleged contemnor is all along ready and willing to give fruitful effect to the direction of visitation to the petitioner. However, it is due to the presence of third party associates of the petitioner that the visitations could not be fructified.

Similar counter allegations are also levelled by learned counsel for the petitioner, on instruction, against the alleged contemnor.

Precisely for the purpose of obviating the scope of third party interference, a Special Officer was appointed in the matter for facilitating the visitation.

Upon recording the submission of learned counsel that the parties shall not bring with them any third party-outsiders at the time of visitation, CRC 1 of 2019 and CRC 2 of 2019 are disposed of and stand discharged, with the hope and trust that the parties shall co-operate among themselves and shall abstain from involving any third party-outsiders at the time of visitation, in order to give full effect to the order of this court, in letter and spirit, as sought by the petitioner.

However, the terms of the direction, against which contempt has been alleged, shall remain the same and

the visitation will continue to take place in presence of the Special Officer already appointed.

It is however, clarified, that neither the petitioner nor the alleged contemnor shall bring/keep any third party at the time of visitation, subject to further orders that may be passed in future by the court below, during such visitation.

Liberty, however, is given to the parties to approach this court, alternatively the trial court, further in the event the aforesaid directions are not complied with by either of the parties.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)