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AKG 21-02-2022
Ct.21

C.O. 359 of 2022
Rinku Pramanik alias Das
Versus
Rana Pramanik

(VIA VIDEO CONFERENCE)

Mr. Sharanya Chatterjee,
Mr. Nepesh Majhi
...for the Petitioner

Mr. Probal Kumar Mukherjee,
Mr. Amitava Bhowmik
...for the Opposite Party

Learned advocate appears for the petitioner and
learned advocate appears for the opposite party.

The revisional application is taken up for hearing.

The wife/mother of the child-in-question has preferred the instant revisional application, challenging the order of the learned District Judge, Paschim Bardhaman passed in ACT VIII Case No. 27 of 2021 on 16th February, 2022, whereby the learned Court below has been pleased to permit the father to take interim custody of his minor son for twenty hours to celebrate his birthday tomorrow.

It has been contended by the learned counsel for the petitioner/mother that the child has been traumatized on hearing that he would be placed in the custody of his father for 20 hrs. to celebrate his birthday.

Learned counsel appearing for the father submits that the father needs to come closure to the child to

build up bonding with the child who has never lived with him. Otherwise, father will never be able to build any kind of bonding with his son. Therefore, he prays for rejection of the revisional application.

Admittedly, the child-in-question who is going to be six years old tomorrow and who never lived with his father. However, an opportunity should be given to the father to build up a bonding with the child but at the same time, this Court feels that the child-in-question who never lived with his father at any point of time cannot be allowed to spend the night with his father who is habituated to live with his mother during the night hours.

Keeping welfare of the child and fragile psychology of the child, the order impugned is modified and the father is permitted to take custody of the child to celebrate his birthday not from 4 p.m. today, but from 10 a.m. tomorrow till 6 p.m. tomorrow.

The child will be accompanied by a close relative of the mother, with whom the child is close and feels safe, and not by the mother.

This order only in respect of the application under Section 151 C.P.C. filed by the father.

Accordingly, the revisional application being **C.O. 359 of 2022** is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order

duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities.

(Kesang Doma Bhutia, J.)