

29.08.2022
SL No.14
Court No.8
(gc)

**FMA 355 of 2022
CAN 1 of 2022**

**Sri Sanjit Biswas
Vs.
Smt. Aparna Chakraborty**

Mr. Dyutiman Banerjee,
Mr. Sagar Kr. Mishra,
Mr. Akash Mall,
Ms. Subhangini Jaiswal,
...for the Appellant.

Mr. Debasish Saha,
Mr. Subhasish Saha,
Mr. Shyamal Kr. Sinha,
...for the Respondent.

By consent of the parties, the appeal and the application are taken up together and disposed of by this common order.

The matter relates to the custody of the child, namely, Srijita Biswas. Presently the child is admitted to the Bethune Collegiate School as a boarder. All costs, charges and expenses towards her education and welfare are presently being borne by the appellant. The appellant is the biological father of the child. The appellant undertakes to bear educational, medical and all other expenses of the minor, in fact, the appellant/petitioner has with the cooperation of the respondent admitted the child to the said School and has also attended to the medical need of the child. The child is presently happy. She is pursuing her extra curriculum activities, namely, shooting and music for which the entire expenses being borne by the appellant.

In terms of our earlier order, the mother is mentioned as guardian of the child in the office record of the School. However, this order shall not prevent the appellant to request the School authorities to release the child in his favour without compromising on her studies.

In view of the admission of the child in the said School, the father shall have the right to the custody of the child on every Sunday between 11.00 a.m. and 4.00 p.m. and in case of unavoidable circumstances till 7.00 p.m. subject to the Hostel rules. On Sundays, the respondent may also join the child.

We express our sincere appreciation for the compassion shown by the Headmistress of the Bethune Collegiate School. We direct the Registrar (L&OM) to ensure that a copy of this order is forwarded to the Headmistress of the Bethune Collegiate School recording our appreciation.

We make it clear that the right of visitation shall be subject to the rules and regulations of the School as well as the Hostel. In case of any conflict between our order and the Hostel rules, it is needless to mention that the rules and regulations of the School and the Hostel shall prevail.

The parents shall take good care of the child with the proper education and moral values. They are also directed to ensure that the welfare of the child is not compromised. All necessary steps towards best interest of

the child should be taken by the parents as it is essential for her overall growth.

Accordingly, the appeal being FMA 355 of 2022 and the application being CAN 1 of 2022 stand disposed of.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)