

17.02.2022
Ct. 21
D/L 11
ab

C.O. 858 of 2020
(Via Video Conference)

Ashwin Mohata
-Vs-
Smt. Priyanka Mohata

Mr. Kaushik Pradhan,
... for the petitioner

Mr. Kushal Chatterjee,
Mr. Debrup Choudhury,
... for the opposite party

Mr. Kaushik Pradhan, learned advocate appears for the petitioner and Mr. Kushal Chatterjee, learned advocate appears for the opposite party.

The revisional application is taken up for hearing. Heard learned advocate for both sides.

The present application has been filed by the father/petitioner challenging the order of rejection of his application under Section 12 of the Guardians and Wards Act, 1890, which is registered as IA/1/2020, pending before the learned additional District Judge, 1st Track, 1st Court at Barasat in Misc. Case (Act VIII) 16 of 2020, filed under Sections 7 & 8 of the Guardians and Wards Act, 1890 by the father/petitioner, on 22.01.2020.

It appears from the impugned order the petitioner by filing application under section 12 of Guardians and Wards Act, 1890 has sought interim visitation right to visit his minor child but learned Court below rejected the application under section 12 on the ground that no

notice of the main suit under Sections 7 & 8 of the Guardians and Wards Act or the copy of the application filed under Section 12 of the Guardians and Wards Act have been served upon the mother of the ward and that too without hearing the mother of the ward, the court has restrained itself from passing any order.

Prima facie it appears the Court below has not disposed of the application under Section 12 of the Guardians and Wards Act on merit. Therefore, the matter is sent back to the learned Court below to dispose of the application filed under Section 12 of the Guardians and Wards Act after hearing both the parties.

The order impugned is hereby set aside and the revisional application is disposed of with a direction upon the learned Court below to dispose of the application filed under Section 12 of the Guardians and Wards Act, as expeditiously as possible, preferably within a period of three months from the date of communication of this order after giving an opportunity to the mother/opposite party herein to file a written objection against the same and after hearing both the parties.

The revisional application being **C.O. 858 of 2020** is thus, disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(**Kesang Doma Bhutia, J.**)

