

Item-3 02-05-2022

FMAT 114 of 2022
CAN 1 of 2022

sg Ct. 8

Srabanti Dey Nee Roy
Versus
Nilasish Dey

Ms. Pritha Bhaumik, Adv.
Mr. Apalak Basu, Adv.

...for the appellant

This appeal is arising out of an order dated 18th February, 2022 in connection with an application filed under Section 7 of the Guardian and Wards Act, 1890.

The learned District Judge, in consideration of the materials on record, passed an ex-parte ad-interim order whereby the mother was restrained from removing the minor child from the custody of the father for a period of one month. The matter was made returnable on 21st March, 2022.

Ms. Pritha Bhaumik, learned Counsel appearing on behalf of the appellant submits that the matter is pending and another application has been filed by the mother under Section 151 of the Code of Civil Procedure. Visitation of four days was allowed by the learned District Judge.

We find from the impugned order that the said order was limited for a period of one month. We have been informed that the matter has been fixed by the learned District Judge in the middle of June, 2022.

It is further submitted that during the summer vacation, the child may be allowed to meet the mother exclusively for some days or for sometime and there could be an interaction between the child and the mother.

In view of the fact that the interim order was limited only for a period of one month and we are not aware of the reasons for extension of the said interim order after one month, we dispose of the appeal and the application by giving liberty to the appellant to apply before the learned Trial Judge for visitation right and in the event an application is filed for visitation right, the learned Additional District Judge, 5th Court, Alipore, shall consider the prayer keeping in mind the welfare of the child and the mother should not be unnecessarily disturbed.

The appeal being FMAT 114 of 2022 and the application being CAN 1 of 2022 are accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Sugato Majumdar, J.)

(Soumen Sen, J.)