

07.03.2022
Ct. 21
D/L 3
ab

C.O. 2031 of 2021
With
CAN 1 of 2022
(Via Video Conference)

Sabera Parvin
-Vs-
Saiful Islam

Mr. Samim Ahammed,
Mr. Arka Maiti,
Ms. Gulsanwara Pervin,
Ms. Ambiya Khatun,

... for the petitioner

Mr. Debabrata Saha Roy,
Mr. Indranath Mitra,
Mr. Subhankar Das,
Mr. Neil Basu,

... for the opposite party

Parties are represented by their respective learned advocates.

The petitioner/wife, Sabera Parvin is present in person. The opposite party/husband, Saiful Islam is also present along with two children.

Due to Court's intervention, the petitioner/wife has agreed to go to her in-laws house along with her husband and children from the Court directly.

The petitioner/wife and the opposite party/husband are directed to appear before this Court in persons on Friday (11.03.2022).

The opposite party/husband is directed to see safety and security of his wife.

Let this matter appear under the heading **“Hearing (personal appearance)”** on **11.03.2022 at 10.30. a.m.**

Parties are to act on the server copy of this order duly downloaded from the official website of this Court.

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

Later(2 p.m.)

It has been submitted by the learned advocate for the opposite party that the petitioner is not willing to go back to her matrimonial home along with the children, as ordered earlier.

When the matter was taken up in the morning, this Court had interacted with the children. The daughter does not seem to acknowledge the mother. However, the son refused to be with the mother, who has left him years’ ago.

The learned advocate for the opposite party submits that the present revisional application may be disposed of in terms of the prayer made by the petitioner, to which the learned advocate for the petitioner raises no objection.

The learned Court below is requested to dispose of the Misc. Case No. 41 of 2019 (Under Act VIII, 1890)

in terms of the order that has been passed by a coordinate Bench of this Hon'ble Court in C.O. 357 of 2021 on 23.02.2021.

In view of the observations made above, this Court is retrain itself from passing any order regarding custody of the children or visitation right of the mother. The matter is left open for the Court below to decide.

Let the affidavit-in-opposition filed in Court, be kept with the record.

In the light of the above discussions, the revisional application being **C.O. 2031 of 2021** is disposed of.

Connected application being **CAN 1 of 2022** also stands disposed of.

Interim order, if any, stands discharged.

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.**)