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C.O. 2897 of 2022

Balaram Mondal
Vs
Sri Subrata Dey @ Subrata Kumar Dey.

Ms. Sabita Mukherjee Roy Choudhury,
Ms. Rajasree Paul,
... For the petitioner.

Mr. Sanat Biswas,
Mr. Ardhendu Nag,
Ms. Rituparna Chatterjee,
Ms. Snigdha Nag,
... For the opposite party.

The subject matter of challenge in this case is against the order dated 20th May, 2022 passed by learned Chief Judge, City Civil Court, Calcutta in Act VIII Case No. 3 of 2017 rejecting the prayer for custody of a child during Summer Vacation, commenced from 21.05.2022 to 21.06.2022.

Ms. Sabita Mukherjee Roy Choudhury, learned advocate appearing for the petitioner submits that in view of the order passed in C.O. 2983 of 2019 permitting the petitioner to renew the prayer of the petitioner at a later stage of the suit, the petitioner renewed the prayer for temporary custody during the Summer Vacation, which was rejected by the Court below.

It is submitted by the petitioner that the moment when the C.O. 2983 of 2019 was disposed of, the child

was then four years old, and upon consideration of the welfare of the child, the child was not allowed to be shifted to anywhere, on the prayer of the temporary custody, with an observation that such prayer may be renewed as and when the child will grow a little bit.

It is thus submitted by the petitioner that at the present moment, the child is now seven years old pursuing study in class III.

As the festivity would commence shortly, it is proposed by the petitioner that during such festivity period, at least four days may be allowed to be spent in the custody of the petitioner grandfather from father side so as to ensure the welfare of the child.

Per contra, learned advocate appearing for the opposite party submits that revisional application has lost its force, because the impugned order is relatable to the Summer Vacation, commenced from 21.05.2022 to 21.06.2022.

While raising objection against the submission of petitioner, learned advocate appearing for the opposite party submits that not a single day the child has spent in the custody of the petitioner grandfather.

If the custody of the child is handed over to petitioner during such festivity period, the welfare of the child may be jeopardized.

Admittedly, petitioner is the grandfather from father's side of the child, while opposite party is the

grandfather from maternal side.

Further admitted position is that the parents of the child are no more at this moment. The child is lying in the custody of opposite party being grandfather from maternal side.

Festivity period would commence shortly. Though Summer Vacation has already been over, but there is no impediment before the petitioner to renew his prayer further seeking interim custody before the Court below.

However, during the ensuing festivity period, the child be produced to ensure visitation right of the petitioner grandfather at City Centre 1, Salt Lake, being nearer to North Calcutta, where both the parties ordinarily reside, from 2 p.m. to 3.30 p.m. on 2nd October 2022 and 4th October 2022 only.

It is further clarified that during production of the child at the venue mentioned hereinabove, the child may not be shifted to anywhere else, without the order of the Court below.

Both parties to render their best co-operation.

With these observations and directions, the revisional application is thus disposed of.

There shall be no order as to costs.

(Subhasis Dasgupta, J)