

1. 10.11.2022

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

**F.M.A.T. 435 of 2022
With
CAN 1 of 2022, CAN 2 of 2022**

**Amrita Dasgupta
Vs.
Anjanava Maitra**

Mr. Aniruddha Chatterjee For the Appellant.

**Mr. Abhrajit Mitra, Sr. Advocate
Mr. Jishnu Chowdhury
Mr. A. Sinha
Mr. Subhasis Dey For the Respondent.**

We formally admit the appeal.

As the point involved is very short, we proposed to hear it out, dispensing with all formalities.

The point involved is the right of the appellant mother to visit a one year old child presently in the custody and care of the respondent father. At the present moment the child is in the matrimonial home of the couple in Mukundapur. The mother does not reside there. She resides in a house in Salt Lake jointly owned by the couple.

S.D. The mother is a professional and according to the submissions made she has to travel to various countries in Europe for work. Whether the mother spends substantial time in foreign countries and not with the

child is contentious and we are not going into the issue.

It is submitted that at the present point of time the mother is residing in Kolkata, although on professional assignment she might have to travel abroad soon.

Cross allegations are made by the parties including the allegation that the mother is unable to take care of the child.

Considering the fact that the child is presently in the care of the father in the matrimonial home of the couple in Mukundapur, we direct that the appellant/mother shall have the right to visit the child according to the following conditions:

- i. We request Mr. Pradip Tandon, CEO of Bellevue Clinic to nominate a nurse with the requisite professional qualification to handle the baby as well as take care of a situation arising out of acrimony between the couple or emotional outburst, at the time of visitation by the mother;
- ii. Her name, address, contact phone number and the professional remuneration shall be indicated by Mr. Tandon to the parties. This remuneration shall be borne jointly by the parties;
- iii. The appellant shall have the right to visit

the child on 12th November, 2022, 13th November, 2022 and 14th November, 2022 at the Mukundapur residence between 11 a.m. and 3 p.m. in an exclusive room by exclusive access;

- iv. The attendants who have been engaged by the father and attending the baby might be present in the room along with the father. Nobody else shall be permitted during the visitation hours.

Thereafter the appellant shall have the right of visitation three days a week on Tuesdays, Thursdays and Saturdays at the same time.

One point is to be clarified before we part with the matter. It is alleged that some private and incriminating documents concerning the appellant have been annexed to the connected application in this appeal (CAN 2 of 2022).

Mr. Chatterjee, learned advocate for the appellant submits that these documents should not have been made public.

We direct the registry of this court to seal the application (CAN 2 of 2022) for the time being so that nobody can view the contents thereof.

We also restrain the respondent from publishing or circulating any copy of the application (CAN

2 of 2022) for the time being.

With these directions the suit and the interim application are remitted back to the learned court below to consider the interim application upon hearing the parties. All points including maintainability of the application are kept open. The point regarding confidentiality and admissibility of these documents shall also be decided by the learned court below while hearing the injunction application.

We request the learned court below to dispose of the interim application before the Christmas vacation.

The appeal (FMAT 435 of 2022) and the connected applications (CAN 1 of 2022 and CAN 2 of 2022) are thus disposed of.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

