

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No. 7 of 2021

Santosh Kumar Pramanik

.....

Petitioner

Mr. G.N. Mishra, Adv.

Vs.

Monika Sahu & Others

.....

Opp. Parties

Mr. P.K. Jena, Adv.

(For O.P. No.1)

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

31.10.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard Mr. G.N. Mishra, learned counsel appearing for the petitioner and Mr. P.K. Jena, learned counsel appearing for the opp. party no.1.
3. By means of this petition, the petitioner has urged this Court to provide the custody of the child who has been born in the wedlock of the parties in his favour. It has been reported by the counsel for the parties that a matrimonial suit for divorce is pending for decision in the Court of the Judge, Family Court, Bhubaneswar. It has also been reported that the child namely Shivansh is presently four years of age.
4. In view of the age of the minor, we are of the view that the custody of the child for his best interest should remain with the opp.

party no.1 temporarily. However, the petitioner may approach the court of the competent jurisdiction for the custody of the child notwithstanding the order that we have passed today. But, we are inclined to provide the petitioner the right of visitation when he would visit India. Such visitation should be arranged by the opp. party no.1 in a secure place at Bhubaneswar, in her presence or in presence of any relative closely acquainted with the child. The petitioner shall give a notice three days prior to such visitation and the opp. party no.1 shall respond within next 24 hours informing the date, place and time of visitation. The visitation may continue for not more than two hours and the petitioner may visit the child with his parents, brothers, uncles and aunt or cousins, but no other person shall be allowed to accompany the petitioner at the time of visitation. During the visitation, neither the petitioner nor the opp. party no.1 shall create any such situation that may generate trauma to the child. Their behaviour shall be responsible. If the petitioner or the opp. party no.1 preferred to talk to each other that can only happen in the sideline of visitation, not in presence of the child.

5. This order will operate till the custody of the child is decided in a regular proceeding.

6. In terms of the above, this petition stands disposed of.

7. Urgent certified copy of this order be granted to the parties as per rules.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

Sukanta

