

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14327 OF 2022

Manorama Pati

....

Petitioner

Mr. Bamadev Baral, Advocate

-versus-

Suvendu Kar and others

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

08.09.2022

Order No.

4. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 25th April, 2022 (Annexure-1) passed by learned Judge, Family Court, Cuttack in C.P. No.519 of 2017, whereby her interim prayer to visit the minor child was rejected.
3. It is submitted by Mr. Baral, learned counsel that the Petitioner is the maternal grandmother of the minor child, namely, Dibyansi Kar-Opposite Party No.4, who is the daughter of Opposite Party No.1. Earlier the Opposite Party No.1 had allowed the Petitioner to visit the minor child. But due to an unfortunate incident on 18th July, 2021, when the Petitioner had gone to the house of Opposite Party No.1 to visit the child, the Opposite Party No.1 objected to the visit of the Petitioner. As such, the application of the Petitioner to visit the minor child-Opposite Party No.4 was rejected.
4. Mr. Baral, learned counsel further submits that the Petitioner being the maternal grandmother of Opposite Party No.4 has a right to visit the child as there is a deep bonding

between the two. Due to dissension between the Petitioner and Opposite Party No.1, the right of the Petitioner to visit the minor child should not have been denied. Hence, he prays for setting aside the impugned order under Annexure-1 and to allow the Petitioner to visit the minor child-Opposite Party No.4. In support of his case, he relies upon the decision in the case of *Biji and another –v- Vijit (Died) and others*, reported in 2016 SCC Online Ker 6540.

5. Upon hearing learned counsel for the Petitioner and on perusal of the record, it appears that learned Judge, Family Court, Cuttack has elaborately discussed the matter stating that on 18th July, 2021, the Petitioner along with her family members went to the house of the Opposite Party No.1 and suddenly picked up quarrel with the Opposite Party No.1. So, in order to avoid any untoward incident, the Opposite Party No.1 requested the Petitioner and her family members not to create any disturbance and asked them to leave that place. Subsequently, the Petitioner had also lodged an F.I.R. in Sanghvi Police Station, which was registered as Sanghvi P.S. Case No.243 of 2017. The Opposite Party No.1 was on bail in the said P.S. Case. It reveals from the record that one of the bail conditions was that at no point of time, the Opposite Party No.1 would make any contact with the Petitioner and her family members as there is every chance of tampering of witnesses. Taking into consideration all these aspects and for the welfare of the child, learned Judge, Family Court, Cuttack refused to accept the prayer of the Petitioner. I find no infirmity in the said

order. Further, the ratio decided in ***Biji and another*** (supra) is not applicable to the facts and circumstances of the present case.

6. Taking into consideration the discussion made above, I am not inclined to interfere with the impugned order under Annexure-1.

7. Accordingly, the writ petition being devoid of any merit stands dismissed.

Urgent certified copy of this order be granted on proper application.

(***K.R. Mohapatra***)
Judge



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