

IN THE HIGH COURT OF ORISSA AT CUTTACK

MATA No.108 of 2018

Golap Sahoo

....

Appellant

Mr. S.S. Kanungo, (Amicus Curiae)

-Versus-

Hemanta Kumar Pradhan

.....

Respondent

Mr. A.P. Bose, Adv.

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

14.09.2022

I.A. No.199 of 2022

Order No.

16.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This interlocutory application arises out of MATA No.108 of 2018 (disposed of on 05.05.2022).
3. The applicant [Smti. Golap Sahoo] is present before us in person and Mr. S.S. Kanungo, learned counsel whom we appointed as Amicus Curiae for assisting her is also present in the proceeding. Mr. A.P. Bose, learned counsel appears for the respondent.
4. Mr. Bose, learned counsel has at the outset, raised the question of maintainability of this application as the appeal was disposed of, on 05.05.2022. It may be noted that the appeal was decided on the basis of compromise between the parties and in the terms of settlement, there is no provision as regards visitation of the children of the parties.
5. Now, the applicant has approached this court for extending her the right of visitation to her children. In the wedlock, two girl children were born and the eldest one is studying in the State of

Rajasthan (Kota). So for the right of visitation in respect of the elder girl namely, Subhamjyoti Pradhan (18 years) is concerned, it is observed that she has already attained majority. The applicant may contact that girl to meet her according to the girl's convenience and if she is inclined to meet the applicant, she can meet. There cannot be any bar restraining her if the elder daughter agreed to. For this we cannot pass any order.

6. So far the second girl child is concerned whose name is Akankshya Pradhan (aged 14 years) she is living with her father namely, Hemanta Ku. Pradhan [the Opposite Party in this application].

7. At our persuasion, the parties have come to a consensus that they would not insist on the issue of the maintainability of this application. It has also been agreed that the applicant will have the right to visit the second daughter namely, Akankshya Pradhan in the premises of Sikharchandi Temple under Infocity police station. The said place is known to the applicant. On every month's first Sunday at 10 am, the appellant shall visit her daughter in the said place and the duration of the visitation will be one hour. It will be the obligation of the Opposite Party to ensure the presence of Smti. Akankshya Pradhan during the visitation.

8. It is observed that the applicant shall not create annoyance to the said girl child at the time of visitation neither will she try to apply force to take the girl child (younger one) from the custody of the respondent. If the applicant is inclined to get more reliefs in respect of visitation, she has to approach the appropriate forum by filing the application, if the law permits so.

9. This order shall operate in the interregnum. If such application as contemplated, is not filed, this order will remain in force till the girl child namely, Akankshya Pradhan attains the majority.

10. Having observed thus, this interlocutory application stands disposed of.

11. A free copy of this order be supplied to the counsel for the parties.

Rati Ranjan



(S. Talapatra)
Judge

(M.S. Sahoo)
Judge



