

01.08.2023
Sl. No.21(DL)
srm

C.O. No. 273 of 2023
Sri Dipankar Saha Roy
Versus
Smt. Priya Saha Roy

Mr. Saptanshu Basu,
Ms. Aiswarjya Gupta

...for the Petitioner.

Mr. Siddhartha Paul

...for the Opposite Party.

The revisional application has been filed challenging an order dated December 20, 2022 passed by the learned Additional District Judge, 2nd Court, Serampore, Hooghly, in Act VIII Case No.41 of 2022 which was renumbered as Act VIII Case No.03 of 2022.

By the order impugned, the learned court below rejected the prayer of the father for interim visitation of the child on certain grounds, which this Court feels should not come in the way of a bonding between father and the child. The reservation of the mother with regard to such issues may have had an impact on her relationship, but the same cannot be a hurdle between the father and the child.

Under such circumstances, the ground on the basis of which such prayer of the father was denied, is unacceptable and hence the order impugned is set aside.

The following arrangement is made by this Court to be followed in the manner stated hereinbelow:

- (a) The father shall be entitled to speak to the child via video conference every Saturday and Sunday at 8.30 am, IST starting from August 5, 2023.
- (b) Such call duration shall last around 15 to 20 minutes.
- (c) The mother may be present in the room when such conversation continues, but she shall not participate in the conversation.
- (d) Conversation should be restricted to the child's areas of interest, his life, school, friends, but no discussion with regard to the relationship between the petitioner and the opposite party shall be brought up.
- (e) The paternal grandparents shall be entitled to speak to the child via video conference once a week preferably on Saturday evenings between 6 pm to 6.30 pm.
- (f) All parties who speak to the child shall ensure that apart from the matters of interest to the child and the

daily life of the child, no other topic of conversation shall be raised.

(g) Both the petitioner and the opposite party are directed to maintain strict discipline and compliance of this order, as directed hereinabove.

It is submitted by Mr. Basu, learned Senior Advocate appearing for the petitioner that the father would like to send Rs.15,000/- per month for the child's expenses, which may be revised later. Such transfer shall be made to any bank account to be supplied by the mother.

Under such circumstances, the opposite party/mother shall open a minor account under her guardianship in the name of the child in any bank and supply the account details to the petitioner/father for such electronic transfer. Let such remittance be made by the petitioner on and from September, 2023, if the account details are provided.

During the pendency of the custody application, when the petitioner visits Kolkata, the petitioner shall be at liberty to pray before the learned court for an order to personally visit the child along with the paternal relatives and grandparents and spend quality time with him. If such application is filed, the same shall be disposed of in accordance with law and expeditiously.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)