

Item No. 16
18.07.2023
Court. No. 19
GB

C.O. 484 of 2023

Rakesh Khan
Vs.
Sreeja Khan (Dhar)

*Mr. Indranil Roy,
Mr. Sunit Kr. Roy*

... for the Petitioner.

*Mr. Sourav Sen,
Mr. Shibasis Chatterjee*

...for the Opposite Party.

In view of the order passed in C.O. No.132 of 2023 the prayer made in this revisional application, has now become infructuous.

The petitioner/husband shall be entitled to file a fresh application under Section 151 of the Code of Civil Procedure claiming interim visitation rights in respect of the minor child in the matrimonial suit which has been transferred, as per the order passed in C.O. No.132 of 2023. Thereafter, the said application shall be heard out upon contest and disposed of expeditiously, in accordance with law. Upon decision of the interim visitation application, the learned court shall make endeavour to dispose of the application under Section 26 of the Hindu Marriage Act, preferably within the next six months from disposal of the interim application.

In the meantime, as the father is before this Court and wishes to visit the minor child, this Court is of the view that an interim arrangement can be made by this Court till the application for interim visitation is disposed of by the

transferee court. This order has been passed as some time will be consumed in transferring the suit and for the petitioner to take appropriate steps by filing a fresh application for visitation.

The father shall meet the child at the residence of the wife (mother) on alternate Sundays between 4 to 7 p.m. The father may also take the child for entertainment to any park or play area or restaurant, etc. The father may also take gifts for the child. The mother is expected to cooperate and comply with the order of the Court. There should not be any resistance from the side of the mother.

Accordingly, the revisional application is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)