

Item-4. 10-05-2023

sg Ct. 8

FMA 1484 of 2014
CAN 2 of 2014 (old CAN 4959 of 2014)
CAN 3 of 2014 (old CAN 8099 of 2014)
CAN 6 of 2023
CAN 8 of 2023

Antara Debolin Bhattacharya
Versus
Debolin Dilip Bhattacharya

Mr. Debajyoti Deb, Adv.
Mr. Somdyuti Parekh, Adv.
...for the appellant

Ms. Sana Naaz, Adv.
Mr. Faruk Hossan, Adv.
Mr. Jananjay Chatterjee, Adv.
Ms. S. Afreen, Adv.
...for the respondent

The parties are personally present in Court today. The child is also present.

We have interacted with the child and we find the child to be matured and intelligent enough to take an informed decision. The child, during interaction, has categorically stated that she is not willing to interact with her father. Her grievance was that her father had never made any attempt to meet her and as on date, he is absolutely a stranger to her.

The informed decision of the child cannot be ignored in a custody matter. The child is presently in the XIIth Standard. She requires calmness of mind so that she can pursue her higher studies. She is going to appear XIIth Standard examination.

Under such circumstances, we do not find any reason to allow the visitation or custody right of the respondent for the welfare of the child. The girl is presently studying at B.D.M. International School, Narendrapur, Kolkata.

We do not wish to disturb the present custody of the child.

The impugned order is set aside. The appeal succeeds.

The amount of Rs.2,00,000/- paid during the pendency of this proceeding, shall be adjusted against any amount due in the other proceeding.

FMA 1484 of 2014 is disposed of.

CAN 8 of 2023 is, accordingly, dismissed.

In view of the disposal of the appeal, there is no need to pass any direction in the other applications.

The applications being, CAN 2 of 2014 (old CAN 4959 of 2014), CAN 3 of 2014 (old CAN 8099 of 2014) and CAN 6 of 2023, accordingly, stand disposed of.

(Uday Kumar, J.)

(Soumen Sen, J.)