

19.09.2023
Sl. No.10(DL)
srm

C.O. No. 974 of 2023

Arnab Das

Versus

Rikta Das

Mr. Srijib Chakraborty,
Mr. Arindam Paul,
Ms. Parna Mukherjee

...for the Petitioner.

Mr. Jayanta Sengupta,
Mr. Shivam Pathak

...for the Opposite Party.

This revisional application arises out of an order dated December 16, 2022 passed by the learned Additional District Judge, 13th Court at Alipore, in Act VIII Case No.42 of 2013.

The petitioner, who is the father of a minor 12-year old son, prays for certain modifications of the order passed by the learned court below. The modifications are as follows:

- (a) Exclusive visitation be given to the father and the paternal grandmother.
- (b) The mother/opposite party should not be present during such visitation.
- (c) The father be allowed to pick up and drop the child from the residence.

(d) During the ensuing Durga Puja festival, the father be allowed to spend some time with the child.

Mr. Sengupta, learned Advocate appearing on behalf of the opposite party/mother submits that there have been ugly incidents and the child may not be totally comfortable to be left alone with the father. He further submits that the child is also getting bored with the same venue over an extended period of time.

Having considered the rival contentions of the parties, this Court makes the following arrangements:

(a) The opposite party/mother will drop the child to any of the three malls, namely, South City Mall, Acropolis Mall and Quest Mall on every Sunday at 11.00 am and pick up the child from the same Mall at 4.00 pm. The child will decide the venue for each Sunday. The visit will commence from September 24, 2024.

(b) The mother may wait in the vicinity or inside the Mall when she drops the child, but shall not accompany the father, paternal grandmother and the child in the regular activities within the Mall premises.

- (c) The father is also restrained from taking the child outside the Mall.
- (d) The visitation of the father and paternal grandmother will be exclusive.
- (e) It is made clear that the activities would be as per the child's choice and option.
- (f) The learned Advocate-on-record for the respective parties will coordinate the visits.
- (g) This arrangement shall continue for a period of one year.
- (h) On Saptami and Nabami of Durga Puja, 2023, the mother will take the child to Madox Square Puja Pandal at around 12.00 noon. The parties will be entitled to take the child to visit the Puja pandals in the vicinity and enjoy lunch, etc. Such visitation shall be between 12.00 noon to 5.00 pm. This arrangement is not subject to any change or modification.

This arrangement is being made to ensure that the parents are cordial with each other in front of the child. All the allegations and counter-allegations in this proceeding are deemed to be denied. In the opinion of this Court, both the parents should show some maturity so that co-parenting is possible and the child enjoys the company of both the parents.

If the situation requires and there may be reason for modification of the arrangement for visitation made herein above with regard to Sundays and the venue, the parties shall be at liberty to approach the learned court below.

The revisional application is 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.)