

30.08.2023
Sl. No.4(DL)
srm

C.O. No. 1460 of 2023

Sri Souvik Basu

Versus

Smt. Kousani Basu @ Chakroborty

Mr. Sanjay Mukherjee,
Mr. Bodhisattwa Chatterjee

...for the Petitioner.

Mr. Animesh Paul

...for the opposite party.

The revisional application arises out of an order dated March 4, 2023 passed by the learned Additional District Judge, 5th Court at Howrah, in Miscellaneous Case No.174 of 2021.

By the order impugned, the learned court below made an interim arrangement for the father to interact with the minor daughter. The daughter is six years old and resides with the mother at Howrah. It appears that the learned court allowed the father to meet the child for one hour twice a month, preferably on holidays, in a suitable room of the paternal house of the mother in the presence of an elderly member of the mother's family. It was also directed that the father will not insist the child eats any food that may be offered by the father. It was further directed that the father

would not do any acts which would not be conducive to the child.

This order appears to be unreasonable for the following reasons:

- (a) The time and dates of visit ought to have been specified by the learned court below.
- (b) A neutral place should have been fixed for such visitation.
- (c) An order restraining the father to offer edibles to the child seems strange. The father might want to treat his child to snacks, chocolates, etc. which this Court finds would be entertaining for the child.

Under such circumstances, the order impugned is set aside.

The interim visitation of the father is rearranged as follows:

- (a) The mother and an elderly member of her family will take the child to Avani Mall, Howrah, on every Saturday and Sunday between 4.00 pm. to 6.00 pm.
- (b) The father will meet the child at the same place during such time.

- (c) The mother may wait at the mall in a separate area, but shall not interfere during the interaction between the father and the child.
- (d) The father will entertain the child in the play zone, restaurants and shopping arena. Gift may be given.
- (e) Thereafter the child shall be handed over to the mother.
- (f) Both the parties are expected to behave in a matured fashion. Their relationship and the situation between them should not be brought up in front of the child.
- (g) The child should not sense any animosity during such visits.
- (h) Both parties shall make serious endeavour to ensure that the child is sufficiently entertained.
- (i) First of such visit will commence from September 2, 2023.
- (j) This arrangement shall continue until further orders of the learned court below in the Act VIII case.

Learned Advocates on record for the parties will cooperate and coordinate the visitation, as directed by this Court and ensure compliance thereof.

The father will hand over a demand draft of Rs.50,000/- drawn in favour of the mother to Mr. Paul, learned Advocate for the wife, within the course of this week. Such payment is

just to show the *bona fide* of the father and without prejudice to the pending proceedings. This amount shall be invested in the name of the child, by the mother. This amount shall be treated as a gift, irrespective of the other proceedings.

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.)