

July 24, 2023
Sl. No.39
Court No.19
s.biswas

CO 1840 of 2023

Swarup Kumar Sikder
vs.
Sayani Sikder (Mazumder)

Mr. Prantick Ghosh
... for the petitioner

Mr. Sanat Kumar Das
Mr. Sujan Chatterjee
Mr. Souparna Sinha
... for the opposite party

Affidavit of service filed by the petitioner is taken on record.

The petitioner/father alleges that the opposite party/mother has been consciously keeping the child away from the father. Despite several directions of the learned court below, the mother has not allowed the father to visit the child. It is alleged that the mother blatantly violated the order of the learned Additional District Judge, 1st Court at Durgapur, Paschim Bardhaman, passed in Act VIII Case No.57 of 2018, which has been renumbered as Act VIII Case No.02 of 2021.

The learned advocate for the mother submits that the allegations are incorrect. That objections to the application for interim visitation had been filed, but were not heard. The child shall be produced before the learned court below.

This court is of the view that the child is not a property, who is to be produced before the court, in order to show the bona fide of the mother. Both the

parents have equal right to enjoy the company of the child, irrespective of who retains the custody. The father cannot be deprived from visiting the child. It is submitted that the child is residing with the mother at 2/16 Baghajatin Path, City Centre, Durgapur.

The mother shall take the child to the City Centre Durgapur on every Saturday and Sunday between 4 p.m. and 6 p.m. The father shall be entitled to visit the child during such hours at the City Centre, Durgapur. The child shall be taken to the play area, restaurant etc. by the father, but the father is restrained from taking the child out of mall. Gifts may be given to the child. The mother may wait at a separate place, but shall not intervene in the meeting between the child and the father. It is expected that the parents shall show the maturity and the dignity by not bringing up their personal acrimony before the child. The child shall enjoy the company of the father. Such arrangement shall continue till the disposal of the custody application, on every Saturday and Sunday, commencing from July 29, 2023. A copy of the Aadhaar Card of the child shall be handed over to the father. The orders passed by the learned court below, with regard to the visitation are modified to such extent. The learned

Advocate for the respective parties shall coordinate the meetings.

The revisional application is thus disposed of.

All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)