

8.9.2023
21
Ct. no. 652
sb

CO 2721 of 2016

Avinash Kumar Verma
Vs.
Mamta Verma @ Mamta Kumari

Mr. Ashis Kumar Chowdhury
Mr. Babhru Bahan Bera ...for the Petitioner

Ms. Sreemoyee Mukherjee
Mr. Kunal Banerjee ...for the Opposite party

Being aggrieved by the order dated 28.4.2016 passed by the learned Additional District Judge, 1st Court, Asansol, Burdwan in Act-VIII case no. 03 of 2014, present application under Article 227 of the Constitution of India has been preferred.

By the impugned order, the court below was pleased to reject the petitioner's prayer for interim custody of the child. However, by the said impugned order, the court below was pleased to direct the opposite party/wife to comply the order dated 18.5.2015 passed by the court below, in connection with the visitation of the child by the petitioner/father.

Learned counsel for the petitioner submits that in spite of that specific order and direction made in the order dated 18.5.2015, the opposite party/wife neither brought the said child at the place of visitation as directed nor had arranged for meeting with the child by the father/petitioner in any other convenient place. It is

further alleged that due to non-cooperation of the opposite party/wife, the father is depriving to meet with the child for last eight years.

Learned counsel for the opposite party submits that it is incorrect to suggest that she is not willing to abide by the order dated 18.5.2015 passed by the court below. She is always agreeable and willing to bring the child at the place of visitation in order to meet with the father/petitioner. She further submits that due to child's illness, she could not bring the child on earlier occasions. However, it seems that a long period of time has elapsed since the aforesaid order of visitation was passed in 2015. Such matter needs to relook and the programme for visitation needs to be rescheduled.

Having considered the facts and circumstances of the case and that the order dated 18.5.2015 was passed long back with visitation right mentioning date, time and place, it would be proper if an opportunity is given to both the parties to approach before the court to relook and reschedule the issue of visitation during pendency of the case.

In such view of the matter, present application is disposed of giving liberty to the father/petitioner to make a fresh application seeking visitation right of the child before the court below within a period of two weeks from the date of communication of the order. In the event of filing such application before the court below, the court

below will dispose of such application in accordance with law within a period of six weeks thereafter, giving both the parties an opportunity to contest.

C.O. 2721 of 2016 is accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)