

06.12.2023
Sl. No.7(DL)
srm

C.O. No. 2435 of 2023

Smt. Nabanita Sinha (Palit)

Versus

Dr. Sandip Sinha

Ms. Pompey Bose,
Mr. Sauradeep Dutta,
Mr. Rajdeep Sinha,
Mr. Swakshar Kumar Mondal

...for the Petitioner.

Mr. Ramit Mukherjee

...for the Opposite Party.

The revisional application arises out of an order dated April 20, 2023 passed by the learned Additional District Judge, 2nd Court, Serampore, Hooghly, in MAT Suit No.155 of 2021.

By the order impugned, the mother's prayer to visit her child was rejected. According to the learned trial court, the child was unwilling to meet the mother. Considering the welfare of the child and the disinterest shown by the child, the order impugned was passed.

This Court, by an order dated October 17, 2023 made an interim arrangement by allowing the mother to meet the child at the chambers of the learned Advocate Mr. Ayan Banerjee on October 19, 2023 and October 20, 2023. The mother had not seen the child for four years.

Today is the returnable day and the question of permanent visitation of the child is to be determined upon considering how the earlier interactions had gone.

Mr. Banerjee, learned Advocate who was present during the interactions, informs the Court that the child was unwilling to talk to the mother. The child did not speak directly to the mother, but through Mr. Banerjee. The child also did not accept the gifts taken by the mother.

Although the father has not expressed any unwillingness, the child is present in Court today and has expressed his views very clearly to the Court. He is a boy of 16 years and is studying in class-XI, at Mothers International School, Konnagar. Interaction of the Court with the child has been rather intense. The child has described his past days with his mother, in a very dark manner. He seems agonised and abused. He has very serious inhibitions. The Court is convinced that the child is not comfortable in the company of his mother. As he is at a very crucial stage of his life, his mental and physical well being are of paramount importance. This Court is of the view that personal and exclusive interaction between the boy and the mother, is not possible. Thus, the said prayer is ruled out.

However, the Court is also conscious of the mother's sentiment. The right of the mother to see her child cannot be totally discarded.

This Court directs as follows:

- (a) The mother is permitted to meet her son once in two months, on the 2nd Sunday between 6.00 p.m. to 7.00 p.m. at Forum Rangoli Mall at Belur, along with her learned Advocate-on-record. The interaction with the son shall be in the presence of the father and the learned Advocates.
- (b) The father is also at liberty to be accompanied by his learned Advocate-on-record.
- (c) The learned Advocates will coordinate the meeting and ensure that the entire interaction is peaceful. Such interaction will be for an hour.
- (d) The parties are directed to cooperate and the personal animosity between the parties should be avoided completely. The visits shall only be restricted to the mother meeting her son in the presence of the father and the learned Advocates, at Forum Rangoli Mall at Belur.
- (e) The dates of the visits shall be coordinated by the respective learned Advocates of the parties.

This arrangement shall continue till the boy attains majority.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)