

Item No. 126
12.10.2023
Court. No. 19
GB

C.O. 2501 of 2023

Saibal Basu
Vs.
Sudeepta Basu

Mr. Saibal Basu

*... Petitioner
(In-person).*

*Mr. Debabrata Karan,
Mr. Debojyoti Karan,
Mr. Debopriyo Karan*

...for the Opposite Party.

The petitioner is the father, who has challenged orders dated April 12, 2023 and June 23, 2023 passed in ACT-VIII Case No.59 of 2018, which is pending before the learned Additional District Judge, 13th Court at Alipore, District – 24 Parganas (South).

By the first order, the learned court made an interim arrangement for the petitioner to meet the son. He is nine years old. The arrangement is as follows:-

- a) The petitioner can meet the son twice a month. In case of day visitation the petitioner can pick up his son once every fortnight on Saturday, and drop him back within 7.00 p.m.
- b) The other fortnightly visitation allows overnight custody of the son. For overnight custody, the petitioner is allowed to pick up the child from the mother's residence on Saturday at 9 a.m. and return the child within 6 p.m. in the evening on Sunday.

- c) The petitioner is allowed to take Sankhya to restaurants, play zones, malls, etc. and also to his residence.

The learned court records that the visitation had been going on smoothly. Special visitation on April 21, 2023 to celebrate the son's birthday, had also been allowed.

The petitioner prays for further directions allowing him to have interim visitation every weekend and on all school holidays. The petitioner further states that he should be given access to the school. He should further be allowed the privilege of being involved in medical check-ups etc.

The learned advocate for the opposite party submits that interim visitation on every weekend, which would amount to removing the child from his home would be detrimental to his studies and would also interfere with his weekly routine and schedule. The weekly visitation is not allowed. The fortnightly visitation will continue.

As opposite party/mother, agrees to the proposal of the Court that the petitioner may be at liberty to meet the child at the mother's residence during the week, in the evening, with upon prior intimation, the father is granted permission to meet the child at the mother's residence on a weekly basis, with prior intimation. Both parties are before the Court and the Court does not find that there should be any problem if the father has access to the child, at the mother's residence.

With regard to the prayer for access to the school, this Court is of the view that when the father is given liberty to meet the child at the residence as and when he pleases, there

is no reason for him to have further access to the school. Such prayer is not allowed. The father is aware of the school in which the child studies. The father can take care of the progress of the studies at the residence.

Apart from the arrangements made by the learned trial court, during the ensuing puja and Diwali vacation, the petitioner will have additional custody on Sasthi (20.10.2023) and Saptami (21.10.2023). The father will pick up the child on Sasthi (20.10.2023) at 10 a.m. from the mother's residence and drop him back on Asthami (22.10.2023) within 9 a.m. Similarly, on November 11, 2023, the child will be picked up at 4 p.m. and returned to the mother on November 12, 2023 within 10 a.m. On November 13, 2023 the child will be picked up from the mother's residence at around 4 p.m. and returned by 9 p.m. This arrangement has been made for Durga puja, Kali Puja and Bhai Phota-Pratipad.

The order impugned is modified to the above extent.

With regard to the order dated June 23, 2023, this Court mandatorily directs the opposite party to file the written objection to the ACT-VIII case within a week after reopening of the court after the puja vacation. Copy to be served in advance to the petitioner. The learned court is directed to dispose of the ACT-VIII case within a period of six months mandatorily, from the date of communication of this order without granting unnecessary adjournments to either of the party.

Accordingly, the revisional application is disposed of.

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

(Shampa Sarkar, J.)