

Item No. 4
03.08.2023
Court. No. 19
GB

C.O. 2499 of 2022
With
CAN 2 of 2023

Sanober Farzaan
Vs.
Ashiqur Rahman

*Mr. Tarique Quasimuddin,
Ms. Syed Khafiz Zamar*

...for the Petitioner.

*Mr. S. Chatterjee,
Mr. H.N. Dutta,
Mr. T. Gupta*

...for the Opposite Party.

This revisional application has been filed challenging an order dated July 7, 2022, passed by the learned District Judge, Murshidabad in G.S. Case No.13 of 2022. G.S. Case No.13 of 2022 is an application under the Guardians and Wards Act.

The mother is aggrieved by the said order. The minor child was directed to be produced before the learned Additional District Judge, 3rd Fast Track Court at Berhampore, without considering the fact that the learned Berhampore court did not have any territorial jurisdiction to adjudicate the matter as the child was living at Kolkata. According to the mother, the proceeding should have been initiated at the place where the child ordinarily resided and the jurisdictional court would be the family court at Kolkata.

It appears that an application under Order 7, Rule 11 read with Section 151 of the Code of Civil Procedure has been filed by the mother, challenging the territorial jurisdiction of the said court. The said application is still pending. During

the pendency of the said application the learned District Judge directed production of the child. The case was transferred to the court of the learned Additional District Judge, Fast Track Third Court at Berhampore.

In my opinion, the application under Order 7 Rule 11 of the Code of Civil Procedure should be decided on its own merits and be disposed of within a period of two months from the next date fixed, upon granting opportunity to the parties to contest the same. However, instead of dragging the child from Kolkata to Murshidabad, the following arrangement is being made by the court, till the disposal of the application under Order 7 Rule 11 of the Code.

i) On every Saturday and Sunday between 5.00 p.m. to 7.00 p.m., Md. Misbah Alam, the maternal grandfather shall accompany the child to Quest Mall.

ii) The father will meet the child at the food court. The child may enjoy some refreshment and also visit the play zone. The interaction between the father and the child shall be independent and without any interference.

It is expected that such visitation shall be entertaining for the child and the child would be able to spend some quality time with the father. The respective learned advocates on record for the parties shall monitor the visit. This arrangement will be operative from August 12, 2023.

Accordingly, the revisional application along with the connected application, are disposed of.

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

(Shampa Sarkar, J.)