

December 5, 2023  
Sl. No.15  
Court No.19  
s.biswas

CO 2805 of 2022

*Shyam Sathyan*  
*vs.*  
*Kakali Ray*

Mr. Barun Ghosh  
Mr. R. S. Basu

... for the petitioner

Mr. R. K. Jaiswal  
Ms. Manjula Paul

... for the opposite party

Being aggrieved by the order dated July 30, 2022, passed by the learned Additional District Judge, 4<sup>th</sup> Court at Howrah, in Misc. Case (Act VIII) No.98 of 2022, the revisional application has been filed by the father.

The learned court had permitted the petitioner to meet his son every Sunday from 10:00 hrs. to 13:00 hrs., at the residence of the mother at Howrah. Further, liberty was given to the parties to approach for necessary modifications with regard to time and venue, upon arriving at a unanimous decision. This order was challenged on the ground that the venue i.e. the mother's residence was not suitable for such visitation. Moreover, the father resides at Kerala at present and it would not be possible for the father to follow such directions.

On the last occasion, this court granted liberty to the opposite party/mother to file affidavit-in-opposition. An interim arrangement was made, that on every Saturday and Sunday, between 9:30 a.m.

and 10:30 a.m., the father would be entitled to talk to the child via video conference. Further, i.e. on September 3, 2023 (Sunday) at 1 p.m., the mother was directed to take the child to Avani Mall, Howrah, so that the child could meet his father. The mother was permitted to take back the child at 3:30 p.m. It is submitted that most of the video calls went well, except when the child was ill. It is further submitted that the visit at Avani Mall was held and it was successful. Mr. Jaiswal, learned advocate for the opposite party (mother), was also present during such meeting.

This court is of the view, as the interim arrangement was workable, a similar order should be passed.

Hence, the revisional application is disposed of, with the following order:

- a) On every Sunday between 11:00 a.m., and 11:30 a.m., the father will be entitled to talk to the child over video conference. Mr. Jaiswal, learned advocate for the opposite party and the learned Advocate for the petitioner, shall be at liberty to enter such calls, keeping their videos switched off. Parties will invite their respective learned Advocates, to the call. The presence of the learned Advocates is allowed as the mother

alleges that during such calls the father often abuses the mother to the audience of the child.

- b) As the father lives in Kerala, he is allowed to meet the child physically on four occasions (days) in a year, namely, on the child's birthday, during summer vacation, diwali and christmas vacation. Such visits shall be for two hours at a public place, as this court does not deem it prudent to allow such visitation at the residence of the opposite party. Such opinion of the court is formed upon interacting with the parties in court and the court has sufficient reason to believe that such arrangement would be detrimental, not only to the mental well being of the child, but may give rise to some kind of quarrel or untoward incident in front of the child, which should be best avoided.
- c) Thus, the visitation should be between 1 p.m. and 3 p.m. at Avani Mall on the days when the father finds convenient, including the child's birthday (during his visit to Kolkata) but definitely on a holiday of the child. Prior intimation shall be given to the mother, through Mr. Jaiswal, learned Advocate.

- d) Mr. Jaiswal shall accompany the child and the mother on such visits. The mother will wait at a separate place and allow the child to interact with the father, alone.
- e) The father may also be accompanied by his learned Advocate, at such meetings.
- f) The father will interact exclusively with the child and the child can be taken to the play area, shops, restaurant etc., but the child shall not be taken outside the mall. Gifts may be given to the child.

The revisional application is disposed of accordingly.

There shall be no order as to costs.

Urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

**(Shampa Sarkar, J.)**