

Item No. 10
16.10.2023
Court. No. 19
GB

C.O. 3786 of 2023

Robin Kumar Saha
Vs.
Shruti Jaiswal nee Saha

*Mr. Jaydip Kar,
Mr. Aniruddha Chatterjee,
Mr. Dwaipan Basu,
Mr. Arkaprava Sen,
Mr. Sayantan Kar*

...for the Petitioner.

*Mr. Saptansu Basu,
Mr. Sourojit Dasgupta,
Mr. Soumya Nag*

...for the Opposite Party.

This revisional application has been filed challenging an order dated October 4, 2023 passed by the learned Additional District Judge, 3rd Court at Alipore in ACT-VIII Case No.48 of 2022.

By the order impugned, the learned court rejected an application filed by the petitioner seeking permission to take the child to Dubai for a few days during the puja vacation. By the same order, the application of the opposite party to spend some time with the child during the festive season was also disposed of. The learned court below directed the parties to fix up three schedules between October 14, 2023 to October 23, 2023, amicably. The parties were granted liberty to fix the time, date and venue in advance. Parties were further directed to meet at a public place, congenial to all.

This Court deems it fit to pass necessary orders taking into consideration the well-being of the child and the right of both the parents to enjoy the child's company during the

pendency of the ACT-VIII case, especially during the festive seasons. In addition to the time prescribed by the learned court allowing the opposite party/mother to visit the child at the DLSA office on every Monday and the video conferencing between the mother and the child, the following arrangement is being made for the Puja, Diwali and Christmas vacation.

- a) On October 16, 2023 the father/petitioner will take the child to the Quest Mall at around 4.30 p.m. The Child will be handed over to the mother/opposite party and the opposite party will have exclusive time with the child at the play zone and the food court. At 7 p.m. the child will be handed over to the father.
- b) The father will wait in the vicinity or inside the mall, but will not interfere with the interaction between the mother and the child.
- c) The opposite party will not take the child out of the mall premises.
- d) On October 20, 2023 (Sasthi) and October 21, 2023 (Saptami) the opposite party will have exclusive time with the child and shall be entitled to take her to the pandels, restaurants, etc. Mr. Debanik Banerjee, learned advocate is appointed as a Special Officer in whose presence and under whose supervision, the above exercise on Sasthi and Saptami will be carried out. In order to dispense with all doubts and apprehension

nurtured by both the parents, the learned special officer is being appointed.

- e) On October 20, 2023 and October 21, 2023, the petitioner will hand over the child to the opposite party in presence of Mr. Banerjee at 11 a.m. at Madox Square and the child will be handed back to the father at 4 p.m. Mr. Banerjee will coordinate the entire arrangement.
- f) The petitioner shall be entitled to take the child to Dubai on October 21, 2023 night and return within November 1, 2023.
- g) On November 11, 2023 and November 12, 2023, the petitioner will drop off the child at Mr. Banerjee's residence at 4 p.m. and Mr. Banerjee shall take the child to the residence of the opposite party. The opposite party shall spend time with the child and hand her back to Mr. Banerjee within 6.30 p.m. Mr. Banerjee shall hand over the child to the petitioner within 7 p.m.
- h) For the Christmas vacation/winter vacation, the child may be taken to Dubai any time between December 26, 2023 to January 7, 2024.
- i) On December 24 and 25, 2023 the petitioner will take the child to the Quest Mall at around 11 a.m. The Child will be handed over to the opposite party and the opposite party will have exclusive time with the child at the play zone and the food court. At 4 p.m. the child will be handed over to the

petitioner. The petitioner can wait in the mall during such visit, but shall not interfere with the interaction between the mother and the child. Mr. Banerjee shall remotely monitor such interaction. This order will be treated as notice to all and the learned Advocates-on-record for the respective parties will coordinate with Mr. Banerjee.

With the above arrangement, the revisional application is disposed of. The usual interaction on each Monday at the DLSA conference room shall continue except for the above-mentioned period.

Upon returning to Kolkata, after each visit, the father will file an affidavit before the learned court below indicating compliance of this order and return of the child to Kolkata, within the jurisdiction of the learned court below. The copy of the tickets and copy of stamped passport of the child shall be annexed to the affidavit.

The remuneration of the learned Special Officer is fixed at the rate of Rs.50,000/- in total, which shall be shared equally by both the parties. Parties shall pay Mr. Banerjee in advance by bank transfer within October 19, 2023.

The learned special officer shall stand discharged after the visitation in December is over without further reference to this court. The learned court is directed to mandatorily dispose of the Act VIII case within May 15, 2023, without granting unnecessary adjournments.

Both parties are present in court and undertake to abide by this order.

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.)