

9th November,
2023
(AK/SP)
15

C.O. 4010 of 2023

Gunjan Shah
Vs.
Pramod Nawalgaria and others

Mr. Gunjan Shah
...for the petitioner (in-person).

Ms. Kirti Shah
...for the opposite party no.4 (in-person).

1. The present revisional application is directed against order dated 19th October, 2023 passed by the Additional District Judge, 8th Court at Barasat, North 24 Parganas whereby the prayer for interim custody made by the father/petitioner is negated in view of the order passed by the coordinate Bench on the revisional applications being C.O. 916 of 2022 with C.O. 1677 of 2021 dated 7th June, 2022. The father of the girl child appears in-person who is the petitioner in the present revisional application and has made submission for granting him interim custody in view of the annual vacation which is going on in the school where the girl child is studying and the period of vacation is from 17th October, 2023 to 16th November, 2023.

2. Such prayer made on behalf of the petitioner is opposed by the opposite party no.4 who also appears in-

person. It has been submitted on behalf of the opposite party no.4 that already right of visitation has been ensured by the coordinate Bench vide order dated 7th June, 2022. Therefore, there is no further necessity to grant the prayer as made in this present revisional application. It has also been alleged by the opposite party no.4 that the cost of taking the girl child to the venue of meeting in terms of the order dated 7th June, 2022 is not fully paid by the petitioner.

3. Having considered the prayer made in this revisional application and the submissions made by the petitioner and opposite party no. 4, the prayer for granting interim custody of the daughter is not allowed keeping in view of the fact that the child is studying in a school and she has to study regularly under the supervision of her mother in order to complete her homework. Therefore, grant of interim custody to the petitioner may hamper the academic activities of the daughter.

4. However, in consideration of continuing Puja Vacation which is going on in the school of the child and the school is to reopen on 17th November, 2023, frequency of visitation during this vacation up to 16th November, 2023 is enhanced by directing two additional visitations on 13th November, 2023 and 16th November, 2023 at the same time and place and in the same manner as directed by the coordinate Bench vide order dated 7th

June, 2022 while disposing of earlier two civil revisional applications.

5. However, it is made clear that all costs for taking the child to the venue where visitation will take place shall be borne by the petitioner.

6. With the aforesaid direction, the civil revisional application is disposed of.

7. The impugned order dated 19th October, 2023 stands set aside.

8. Server copy of this order shall be made available to the parties and the parties shall act on the server copy duly downloaded from the official website of this court.

(Saugata Bhattacharyya, J.)