

Item No.4
21.12.2023
Court. No. 19
GB

C.O.4447 of 2023

Deepak Srisrimal
VS
Vibha Srisrimal

*Mr. Dwaipayan Basu Mallick,
Mr. Arkaprava Sen*

...for the Petitioner.

*Mr. Debasis Ghosh,
Ms. Amrita Das*

...for the Opposite Party.

Essentially, most of the prayers of the revisional application has not become infructuous, apart from the visit to Butati, Rajasthan, for the grand children to attend the 70th birthday celebration of their grandfather.

It appears that the learned trial judge was convinced by a 8-year old and a 13-year old children that due to their studies, they were not willing to accompany their father to Chennai and then to Rajasthan. The younger child expressed that he would be lonely in the company of the father and father's family.

Although, the welfare of the children is considered to be of paramount importance, in my view, the learned trial judge should have delved deeper and understood that as the children were in the custody of the mother for two and half years, it was only natural for them to feel a little left out in the company of the father's family at a faraway location, away from the mother.

In my view, the children need to grow up in a much more congenial situation, where the company of the father

and the father's family would be required for healthy growth, for their social skills and also for enjoyment of the love and protection which both the families are supposed to give to the children. The father's right and the right of his family members to meet these children, cannot be denied. However, to put the children at ease, this Court directs as follows:-

- a) The children shall be accompanied by their maternal relatives and the mother. They will reach Butati, Rajasthan within December 23, 2023. They may be accompanied by their learned advocate on record, if they find it more secure.
- b) The learned advocates on record shall coordinate with regard to the travel, food and lodging arrangements at Butati.
- c) The petitioner shall bear all expenses for the children and the family members accompanying the children and also the advocate on record. They shall be put up at a reasonably good accommodation, at Butati.
- d) The children will stay with the mother and visit the grandparents for four hours every day in the evening and enjoy dinner at the grandparents' place.
- e) The learned advocate on record shall take the children to the residence of the grandfather on December 23, 2023, December 24, 2023 and December 25, 2023, in the evening. Thereafter, the

parties can return to Kolkata by the evening of December 26, 2023.

The revisional application is disposed of with the above modification of the order impugned. Dismissal of the earlier application of the petitioner, shall not prevent the petitioner from approaching the learned court below seeking interim visitations and interim custody.

This Court has not expressed any view on any such future arrangement which may be prayed for.

All expenses shall be borne by the petitioner for the entire travel, stay, etc.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)