

03.10.2023
Court No.1
Item No.59
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

WPA(H) 6 of 2023

**Smt. Serin Chhetri
Vs.
The State of West Bengal and Ors.**

Mr. Bikramaditya Ghosh
Mr. Saikat Nag
Mr. Sayantan Bhowmik

... For the Petitioner.

Mr. Hirak Barman
Mr. Momenur Rahman

... For the State.

Mr. Debasish Mukhapadhyay
Mr. Anirban Banerjee
Mr. Thaneshware Kumai
Ms. Sohini Guha Roy

... For the Respondent No.5.

1. The Committee constituted by this Court has filed a report and the same is taken on record.

2. This Court has very carefully considered the same. The child has been found to be safe with her father and her grandparents.

3. It is heart wrenching, however, to note that the child want to stay with both the parents. The wish of the child cannot sadly be fulfilled since the mother has unequivocally stated before this Court that she cannot reside with the father.

4. There is admittedly an application under section 9 of the Guardians and Wards Act pending before the concerned Court. The parties may obtain appropriate relief in terms of the statute from such Court.

5. In the meantime, the wife/petitioner shall be free to visit her child as and when she wants. Such visitation rights will abide by the result of Section 9 proceedings before the appropriate Court.

6. With these observations, the habeas corpus application is disposed of.

7. Disposal of the habeas corpus shall not prevent the parties from exploring avenues for reconciliation of their marital relations, which may include mediation.

8. There will be no order as to costs.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)