

S/L 1
05.9.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 935 of 2024

Smt. Pallavi Sengupta
Vs.
Sri Debraj Gupta

Mr. Rahul Karmakar
Mr. Kalyan Sengupta

...for the Petitioner.

Mr. Srijib Chakraborty
Mr. Washim Aktair Dafader

...for the Opposite Party.

The parties are husband and wife. They are blessed with a son, namely, Dwaipayan now aged about 6 years who is in the custody of the mother, the petitioner herein.

The father of the said child, the opposite party herein, has initiated a proceeding under Section 25 of the Guardians and Wards Act, 1890 for custody of his son.

The said proceeding being *Act VIII Case No.149 of 2022* is pending before the 3rd Court of learned Additional District Judge at Alipore, District: 24 Parganas (South).

The opposite party in the said proceeding has filed an application under Section 12 of the said Act of 1890 and has also filed an application under Section 151 of the Code of Civil Procedure for having interim access to his son.

The learned Trial Judge by Order No.20 dated February 23, 2024 has disposed of the said application under Section 151 of the Code by allowing the father to have physical access of his son from **11:00 am to 4:00 pm** on **every Saturday, Sunday and also on Public Holidays** at **South City Mall**. The mother is objecting only to the venue of access.

The parties, during pendency of the revisional application, have arrived at a settlement on the issue.

The mother has no objection in sending the child to the residence of the father which is very close to her residence, keeping other arrangements of the access intact.

In view of such agreement, the mother shall put the son in the custody of the father **from 11:00 am to 4:00 pm on every Saturday, Sunday and also on Public holidays.**

The father shall be entitled to take his son to his residence at ***D-215, 4 Sight Model Town, Central Balia, Kolkata-700084, P.S. Narendrapur.***

The mother shall hand over the custody of the child to the father at the gate of the housing complex where she is residing and the father shall return the custody of the son back to the mother at the said place.

The father during the period of access shall be entitled to take the child outside of his residence if the child so wishes.

So long as the parties feel necessary, their learned advocates on record shall be entitled to be present at the venue of access to facilitate the smooth access of the father to his son.

CO 935 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)