

26.09.2024
(D/L 09)
Ct.-19
(Susanta)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2433 of 2024

Abhishek Das

-Vs-

Jayita Pal

Mr. Partha Pratim Roy,
Mr. Dipankar Saha,
Mr. Anirban Das,
Mr. Subham Kumar Das,

... For the Petitioner.

Mr. Vivekananda Bose,
Mr. Tamangshu Saha,
Mr. Rathikanta Pal,

.... For the Opposite Party.

The parties are husband and wife.

The instant application under Article 227 of the Constitution of India is directed against the order dated December 13, 2023 passed in a proceeding initiated by the petitioner for custody of his daughter, namely *Ashita* who is now living with the mother, the opposite party herein.

The said proceeding being *Misc. Case (Act VIII) No. 02 of 2023* is pending before the 5th Court of learned Additional District Judge at Barasat, District: 24-Parganas (North).

The petitioner, in the said proceeding has filed an application under Section 12 of the Guardian and Wards Act, 1890 for interim custody of his daughter.

The learned Trial Judge by the order impugned has refused to pass an *ex-parte ad-interim* order of custody on the said application.

The order impugned cannot be faulted as to pass an effective order for custody of a minor, the presence of both parties is necessary.

The father is working in Bangalore; he intends to come to Kolkata to meet his daughter on any of the days during the festival of *Durga Puja*.

The mother does not object to the said prayer.

The parties have agreed that such access of the father and daughter shall be at ***Taj Tal Kutir Hotel, near Eco Tourism Park, Rajarhat, New Town.***

The father shall take access to his daughter at the said venue on **October 10, 2024** from **10:00 am to 3:00 pm**. The mother, for the purpose of the said access, shall bring the child to the said venue.

The father is free to take the child and the mother to ***City Centre-II, Newtown*** during such access, if the child so wishes.

It is made clear that this arrangement has been made purely for the purpose of giving limited access to the father during the ensuing festive season, which has no bearing on the pending application under Section 12 of the said Act of 1890.

The learned Trial Judge shall decide the said application expeditiously, in accordance with law, without being influenced by the arrangement made by this order.

C.O. 2433 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 copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)