

22.03.2024
Sl. No.15(DL)
srm

C.O. No. 3299 of 2023
With
CAN 1 of 2023
With
CAN 2 of 2023
Smt. Mita Moitra
Versus
Mr. Saugata Sen

Mr. Chinmoy Paul,
Mr. Archan Dutta

...for the Petitioner.

Mrs. Sukla Das Chandra

...for the Opposite Party.

1. Several orders passed by the learned Additional District Judge, 13th Court at Alipore, South 24-Parganas, in Act-VIII Case No.72 of 2016 are subject matters of challenge before this Court.
2. It appears that in an earlier round of litigation before this Court, a learned Advocate was appointed as a Special Officer and the mother was directed to take the child to the learned Special Officer's chambers. One meeting took place. However, it appears that further meeting was discontinued for reasons which need not be discussed and the revisional application

was disposed of. The learned trial Judge was also directed by this Court to dispose of the application filed by the mother in the Act VIII case.

3. It is submitted that the learned trial Judge instead of complying with the orders passed by this Court in the earlier revisional application directing disposal of the application filed by the mother in Act VIII case, called for production of the child on several occasions. According to the petitioner, such directions were contrary to the order of the High Court.
4. The petitioner is aggrieved because the learned trial Judge kept on calling for production of the child instead of disposing of the pending application.
5. It is further submitted that the learned court ought not to have passed orders with regard to disclosure of the marital status of the mother and other incidental issues, which did not have any bearing with the Act VIII case.
6. The learned Advocate for the father submits that all that the father wants is an opportunity to interact with the child. The decree passed in dissolution of the marriage, should be honoured by the parties. The

biological father should be allowed to meet his child and create a bond.

7. On behalf of the mother, it is submitted that the visitations were going on. Suddenly, the father started visiting the mother's residence in an inebriated condition. The minor, being a girl child, was uncomfortable and thus, the visitations stopped.
8. Thereafter, Act VIII Case No.72 of 2016 praying for custody and interim visitations, was filed by the father.
9. This Court is of the view that a biological father is entitled to meet the child. The marriage was dissolved on mutual consent, where the right of visitation was reserved to the father. The child is around 14 years old and there is absolute necessity that the bonding develops. However, it is also the duty of the father to conduct himself in a way that the child is happy in his presence and comfortable during the interactions. The personal animosity between the parties should not be relevant any more, as the mother is remarried and the parties have their independent lives.

10. Taking into consideration the past, which have been recorded in different orders, this Court deems it fit to direct that the visitation should take place in the chambers of Mr. Chinmoy Paul, learned Advocate for the petitioner, having his office at 10, Kiran Sankar Roy Road, 2nd Floor, Kolkata – 700 001, on the first Saturday of every month for two hours between 4.00 pm. to 6.00 pm. Such arrangement will continue till disposal of the Act VIII Case No.72 of 2016. Such visits shall commence from April 6, 2024.

11. This order will be full and final decision with regard to the prayer for interim visitation made by the father. The applications filed by the parties in the Act VIII case stand disposed of, including the one filed by the mother as referred to in the earlier order of a learned co-ordinate Bench. Upon disposal of all the interlocutory applications filed by both the parties, only the Act VIII Case No.72 of 2016 remains to be decided. The said Act VIII case shall be disposed of strictly in accordance with law, within six months from the next date fixed, on its own merits.

12. This Court is not inclined to make any observations on the rights and liabilities of the parties in the Act VIII case.
13. The orders impugned before this Court are modified accordingly.
14. The revisional application is, thus, disposed of.
15. In view of disposal of the revisional application, the connected applications have become infructuous and those are disposed of accordingly.
16. There shall be no order as to costs.
17. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)