

S/L 9
24.9.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 3381 of 2024

Soumajit Bhattacharya
Vs.
Sonali Bhattacharya

Mr. Debasish Roy
Mr. Uttam Roy
Ms. Sumitra Das

...for the Petitioner.

Mr. Supratik Basu

...for the Opposite Party.

Affidavit of service filed on behalf of the petitioner
be kept with the record.

The instant application under Article 227 of the
Constitution of India is arising out of *Matrimonial Suit*
No.95 of 2022 filed by the opposite party, the wife of the
petitioner herein. The said suit is pending before the 1st
Court of learned Additional District Judge at Sealdah,
District: 24 Parganas (South).

The parties have a son in their wedlock namely
Shaurayajit, who is aged about 9 years and is in the custody
of the wife.

The father has a pending application under Section
38 of the Special Marriage Act, 1954 for custody of his son,
registered as *Miscellaneous Case No.15 of 2022* in the said
suit.

September 25, 2024 is the birthday of the said child;
the grievance of the father is that he has filed an application
to have access to his son on the said date, but the learned
Trial Judge has posted the said application for hearing on
September 30, 2024.

Mr. Supratik Basu, learned advocate for the mother submits that his client is not objecting to the father-son meeting on the said date but the son since is studying in *St. Hildas School, Ooty*, a residential school, he would be available after the school hours at 6 o'clock in the evening.

The parties, after much deliberation through their respective learned advocates, have agreed to the following arrangement(s) for the access of the father to his son:-

- (i) *On **September 25, 2024**, the mother shall bring the son at **Ooty Town Hill Café, Ooty, Tamil Nadu** at about **6:00 p.m.** for the father-son meeting, which shall continue till the scheduled time of return of the child to his residential school. However, both the parties are desirous to have a dinner with their son on the said date; they are entitled to do so, subject to permission of the said school authority to keep the said child with his mother on the said date.*
The parties are granted liberty to approach the school authority for such permission, and in the event, such permission is sought for, the school authority is requested to consider the same sympathetically.
- (ii) *The grandparents of the said child shall be entitled to have access to their grandson on his birthday through video conference. The petitioner and the opposite party shall facilitate such access.*
- (iii) *The father would travel from Mumbai, his place of work, to Ooty to meet his son and would remain there for few days. He wishes to meet his son during the period of his such stay in Ooty, i.e. on **September 26, 2024** and **September 27, 2024**.*

The mother, subject to her convenience shall ensure such meeting for the said two dates.

- (iv) *The father and mother both are gainfully employed. The father is interested to share the educational, medical and other expenses of the son.*

To facilitate the payment of such expenses, the mother shall disclose her bank account details to the father. She shall also share the educational, medical and other information(s) relating to the welfare and well-being of the said child with the father.

CO 3381 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.)