

04.04.2024
Item No.10
Ct. No. 7
KS

C.O. 3391 of 2023

Supratim Chakraborty
Versus
Ankita Mukherjee (Chakraborty)

Mr. P. K. Bhattacharya
.....For the Petitioner
Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah
Ms. Aishwarya Datta
.....For the O.P.

1. This revisional application is at the instance of the father and is directed against an Order No.13 dated August 31, 2023 passed by the learned District Judge, Purba Burdwan In Act No.VIII Case No.25 of 2022.
2. By the order impugned, the application filed by the petitioner on 3rd August, 2023 stood rejected.
3. The learned advocate appearing for the petitioner submits that pursuant to the order dated 31st August, 2023 passed by the learned District Judge, Purba Burdwan, the petitioner attempted to attend the chamber of the learned advocate before whom the petitioner was permitted to meet his minor son and on his way to the chamber to the said learned advocate, the petitioner was assaulted on

several occasions. The petitioner has filed a Supplementary Affidavit annexing the copy of the complaint made before the Superintendent of Police, Purba Burdwan and several medical documents.

4. The learned advocate appearing for the opposite party submits that the opposite party along with the minor son visited the chamber of the said learned advocate on several occasions, but the petitioner did not turn up on any of those occasions.
5. The learned advocate appearing for the opposite party has filed a document in support of his contention that the opposite party/mother attended the chamber of the learned advocate on several occasions, which is taken on record.
6. Heard the learned advocates for the parties and perused the materials placed.
7. Record reveals that on 4th April, 2023, an order was passed permitting the petitioner/father to meet his minor son, who is in the custody of the opposite party/mother on every Friday in the Court premises of the learned District Judge, Purba Burdwan on the time fixed by the learned District Judge. Thereafter, the opposite party/mother filed an application under Section 151 of the Code of Civil Procedure praying for modification of the said order dated

4th April, 2023 and the learned District Judge by an order being No.11 dated 20th July, 2023 modified the aforesaid order dated 4th April, 2023 by permitting the petitioner/father to meet his minor son in the chamber of Bhabes Karmakar, learned advocate. Thereafter, the petitioner filed an application before the learned District Judge praying for modification of the order dated 20th July, 2023.

8. The learned District Judge specifically recorded in the said order that several medical papers and documents were filed along with the complaints lodged before the Superintendent of Police, Purba Burdwan stating that the petitioner was assaulted mercilessly and treated in hospital. The learned District Judge recorded a finding of fact that both the parties are veteran litigants. Due to them, the atmosphere of the Court became dingy when the learned District Judge heard the parties in box. The learned District Judge further recorded that the minor is the suckling son aged about 1 ½ years at the relevant point of time and he is not safe in the hand of either, the petitioner or the opposite party. It appears from the impugned order that 20th November, 2023 has been fixed for evidence in the Act -VIII case.

9. In the backdrop of such factual findings, the learned District Judge rejected the application for modification of the order dated 20th July, 2023. This Court, therefore, do not find any reason to interfere with the impugned order.
10. For such reason, C.O. 3391 of 2023 stands dismissed.
11. This Court, therefore, requests the learned District Judge, Purba Burdwan to dispose of the Act VIII Case No.25 of 2022 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.
12. There shall be, however, no order as to costs.
13. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(HIRANMAY BHATTACHARYYA, J.)