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31.01.
2024
Ct. No.19

CO 4186 of 2023

**Dr. Ranjan Ghosh
Vs
Dr. Shinjini Ghosh (Dey)
With
CO 4105 of 2023
Dr. Shinjini Ghosh (Dey)
Vs.
Dr. Ranjan Ghosh**

**Mr. Partha Pratim Roy
Ms. Sudeshna Basu Thakur
Ms. Banani Bhattacharya
.....For the Petitioner in CO 4186 of
2023
Mr. Ivan Roy
Mr. Debangshu Bandhu
.....For the Opposite Party
Mr. Ivan Roy
Mr. Debangshu Bandhu
.....For the Petitioner in CO 4105 of
2023**

1. CO 4186 of 2023 is an application in which, an order dated July 15, 2023, passed by the learned Additional District Judge, 6th Court at Alipore, South 24 Parganas in Act VIII Case No. 105 of 2018 is under challenge. The father is the petitioner.
2. CO 4105 of 2023, has been filed by the mother challenging an order dated September 12, 2023 passed by the same court in the same case. By the said order, an application for modification of the order dated July 15, 2023 was rejected. As both the applications deal with the same issues, between the

same parties, they are heard together on consent of the parties and disposed of accordingly.

3. The petitioner in CO 4186 of 2023 is the father of a eight and half years old son, who prays for modification of the order passed by the learned trial judge directing that the paternal grand parents to meet the grand child at the Gitanjali Kanan Park in Sakherbajar.

4. Mr. Partha Pratim Roy, learned advocate for the petitioner submits that his parents are aged and it would be highly inconvenient for them to meet the child at the park in difficult weather conditions, especially in winter. It is further submitted that it would be troublesome for the paternal grand parents to spend time with the child in the park, which is not maintained well. They would not be comfortable. The child should be allowed to spend time or the father's residence with the family.

5. The arrangement of the father meeting the child at Gitanjali Kanan Park in Sakherbajar between 4 p.m. to 5 p.m. on every Sunday, had been made by the learned Additional District Judge, 6th Court at Alipore, South 24 Parganas by an order dated 7th January, 2021. Prior to that, a co-ordinate Bench of this court in CO 1085 of 2019, had made an arrangement for the child to meet the father in the chambers of the learned advocate Mr. Anup Kumar

Sanyal, who was appointed as a special officer.

6. The set up in the learned advocate's chamber was changed by the order dated January 7, 2021, pursuant to a liberty granted. The order was not challenged by any of the parties and the meetings in the park, every Sunday between 4.00 p.m. to 5.00 p.m., continued.

7. It is available on record that the father and the child have been interacting since 2019. There are no allegations or counter allegations by and between the parties. It is also a matter of record that the divorce has been granted and the marriage has been dissolved. Subsequently, the application was filed by the petitioner for visitation of the paternal grand parents (his parents). The court directed that the paternal grant parents would also meet the child in the park. The father has challenged this order in CO 4186 of 2023.

8. An application for modification of such order was filed by the mother. The said application was rejected and Co 4105 of 2023 has been filed challenging the order passed by rejecting the modification application.

9. While rejecting the modification application, the court was of the view that the set up of visitation, as directed by the court, had changed long time ago. None of the parties had objected to such change of

location. Meeting between the father and the son continued in the park. The parties were continuing with such arrangement without any dispute and differences. The paternal grand-parents had an invaluable role in the life of the grand-child.

10. Under such circumstances, the order allowing visitation of the parental grand-parents was not modified.

11. Having heard the learned advocates for the respective parties, certain facts have emerged:-

- a) The mother is not willing to allow the child to spend any time alone in the father's house as the child has special needs and is required to be accompanied by the mother.
- b) The separation from the mother makes him restless.
- c) The mother cannot visit the house of her erstwhile husband and in-laws.
- d) A criminal case is pending between the parties.

12. Having considered the above issues, this court is of the view that a neutral venue would be beneficial till the child grows up and can express his own opinion about the venue or until further orders by the learned court below, upon changed circumstances.

13. It is true that the paternal grand parents are entitled to meet the child and they do have a role to play in the child's growth and development. Keeping

the paternal grand parents away from the child, would not result in a holistic development of child, who is entitled to know his family and also get a sense of belonging.

14. Under such circumstances, this court does not find any reason to interfere with the findings of the learned court with regard to allowing the grandparents to meet the child, but only a modification of the venue is required. A park is not a suitable place for old people to spend time with the child.

15. It is directed that on every Sunday between 4 p.m. to 6 p.m., the paternal grand parents and the father (petitioner) will be entitled to meet the child at Café Coffee Day in James Long Sarani, Behala. Such arrangement shall be coordinated by the learned advocates for the parties. This arrangement will commence from February 04, 2024. The mother can accompany the child.

16. Both the revisional applications are disposed of.

17. Parties to act on the server copy of this order.

(Shampa Sarkar, J.)