

155 **31.07.
2025**

Ct. No. 06

Ab

CO 33 of 2025

**Abhiroop Roy
Vs.**

Smt. Arnabi Roy nee Dutta.

**Mr. Srijib Chakraborty,
Mr. Amitava Ghoshal,
Mr. Amitava Bhowmik.**

... for the petitioner.

**Mr. Anjan Ray,
Mr. Subhajit Chowdhury.**

... for the opposite party.

1. This application under Article 227 of the Constitution of India is at the instance of the father/petitioner and is directed against an order being No. 38 dated 11th November 2024 passed by the learned Additional District Judge, 3rd Court, Barrackpore in Misc. Case (Act VIII) No. 01 of 2021. By the order impugned, the father/petitioner was allowed to meet the child twice a month i.e. on 1st and 3rd Saturday of every month in the Court Room from 3 p.m. to 5 p.m.
2. Mr. Srijib Chakraborty, learned Advocate appearing on behalf of the father/petitioner submits that initially the father/petitioner was allowed to meet the child at the residence of the mother/opposite party, but since the father/petitioner was facing difficulty in meeting the child in the residence of the mother/opposite party, the father/petitioner filed an application for modification of the order dated 12th September 2022 praying for an order allowing the father/petitioner to take the child to his residence. Mr. Chakraborty further submits that on an application being filed by the mother/opposite party praying for modification of the order dated 12th September 2022, the learned Trial Judge passed the

impugned order thereby directing the visitation to be held in the Court Room. He also submits that instead of a Court Room, the father/petitioner may be allowed to take the child at his own residence. He, however, submits that though the application of the wife/opposite party herein was considered but the application filed by father was not considered and the same has been kept pending.

3. Learned Advocate appearing on behalf of the mother/opposite party herein submits that the minor child, who is aged about 8 years, is an ADHD patient and, therefore, the Court premises is the best place for visitation of the child keeping in mind the security of the child. He further submits that the father/petitioner created trouble and also tried to mishandle the child at the parks and malls where the child was taken for visitation purpose. He thus submits that the impugned order should not be interfered with by this Court.
4. Heard the learned Advocates for the respective parties and perused the materials placed. Record reveals that the learned Trial Judge, by an order dated 12th September 2022, allowed the prayer for visitation of the father/petitioner herein of his child Ayansh Roy in part thereby directing that the father/petitioner shall visit his son on every fortnight on Sunday on and from 1.00 p.m. to 6.00 p.m. in the house of the respondent and during vacation, the father/petitioner shall be permitted to meet with his son once in 7 days and the day of meeting shall be fixed by mutual arrangement and during vacation, the father/petitioner can take his son to any place of play or park or shopping mall etc. and the mother/opposite party will accompany them and the place of visit and time shall be fixed by mutual arrangement.

5. The father/petitioner filed an application stating the ground for which it is not possible for him to meet the child at the residence of the opposite party. Written Objection to such application has been filed. However, the fact remains that such application is still pending.
6. In the meantime, the mother/opposite party filed an application under Section 151 of the Code of Civil Procedure on 14th March 2024 praying for modification of the order dated 12th September 2022. In paragraph 6 and 7 of the said application it has been stated that since the child is an ADHD patient and is under treatment, for better protection of the minor, the mother will take the child to Barrackpore Court for visitation.
7. The application under Section 151 of the Code of Civil Procedure filed by the mother/opposite party was taken up for consideration on 11th November 2024 and the learned Trial Judge directed that the father/petitioner shall meet the child on 1st and 3rd Saturday of every month in the Court Room from 3.00 p.m. to 5.00 p.m. It is not in dispute that the father/petitioner is presently residing at Bengaluru.
8. In course of hearing of this application, the learned Advocate appearing on behalf of the mother/opposite party submits that the child is being regularly taken to the Doctor for therapy and other treatment, but the father/petitioner does not even care to take information about the treatment of the child. However, such submission is disputed by Mr. Chakraborty. However, Mr. Chakraborty assures this Court that the father/petitioner herein shall cooperate with the mother/opposite party herein in all respect with regard to the treatment of the child. Learned Advocate appearing on behalf of the opposite party also submits that the

father/petitioner is not attending the parent-teacher meeting in the school. Mr. Chakraborty assures this Court that the father/petitioner shall try his level best to attend the parent-teacher meeting either physically or through virtual mode, if the same is permitted by the school authority.

9. However, after going through the impugned order and after hearing the learned Advocates for the respective parties, to the mind of this Court, a Court premises cannot be considered to be an ideal place for the visitation of the minor child by the father. A park or a shopping mall or any other place where a minor child will feel comfortable should be the ideal place for such visitation.
10. As jointly suggested by the learned Advocates for the respective parties, this Court feels that the City Centre-I mall in Salt Lake will be the suitable place for visitation of the child by the father/petitioner. Such visitation shall take place on 1st and 3rd Sunday of every month from 4.00 p.m. to 7.00 p.m. In order to safeguard the interest of the child, this Court appoints the learned Advocates-on-Record of the parties, who shall act as Joint Special Officers to oversee the visitation at the City Centre-I mall. It will be open to the parties to decide as to any alternative place of visitation, if they so agree upon. The mother/opposite party herein shall accompany the child but shall not create any interference in the exercise of visitation right by the father and the learned Special Officers shall ensure peaceful meeting between the father and the minor child.
11. The mother/opposite party herein is directed to communicate the next date of visit to the Doctor at least seven days in advance to enable the father/petitioner to visit the clinic physically. The mother/opposite party herein shall try if such

appointment of the Doctor is available on the preceding Saturday of any day of visitation.

12. With the above observations and directions, the impugned order stands set aside and the civil revisional application stands disposed of.
13. The parties will be at liberty to approach the learned Trial Judge in case of any modification of the arrangement for visitation as directed by this Court.
14. The learned Additional District Judge, 3rd Court at Barrackpore is requested to fix a date of hearing of the application under Section 151 of the Code of Civil Procedure filed by the father/petitioner herein on 15th June 2023 and to make endeavour to dispose of the same as expeditiously as possible without granting any unnecessary adjournments to either of the parties.
15. The arrangement of visitation, as indicated in this order, shall continue till the disposal of the application dated 15th June 2023 filed by the father/petitioner or until further orders, as may be directed by the learned Trial Court.

(Hiranmay Bhattacharyya, J.)