

Sl.5
19.09.2025
Court No.6
BP

C.O. 391 of 2025

Soutik Das
-versus-
Sampita Das

Mr. Srijib Chakraborty
Mr. Washim Akthir Dafadar
... for the petitioner

Ms. Debarshi Das
Mr. Amit Pan
..for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the father of a minor son and is directed against an order being no.25 dated 11th December, 2024 passed by the learned Additional District Judge, Fast Track, 2nd Court at Barasat, North 24 Parganas in Misc. Case (Act-VIII) No. 200 of 2020.

By the order impugned the petition dated September 3, 2023 filed by the mother/opposite party herein was allowed and the order no. 17 dated 19th December, 2023 stood modified to the extent that the father shall have right to visit the minor son Reyansh Das on the third Saturday of every month within 1 p.m. to 2 p.m. and the remaining portion of the order dated 19th December, 2023 shall remain unchanged.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that a different place may be fixed for exercising the visitation right by the father.

Heard the learned advocate for the opposite party on such submission.

After hearing the learned advocates for the respective parties this Court is of the considered view that the court premises may not be the suitable place for exercising the visitation right by the father over a minor son aged about eight years. After hearing the learned advocates for the respective parties and as per the suggestion of the parties this Court passed an order on September 11, 2025 by directing the mother/opposite party to bring the son at City Centre-II Mall, Action Area-II, Rajarhat, Newtown, Kolkata – 700161 at Food Court and to allow the father to visit his minor son at the said place between 12 noon to 2 p.m. on the following Saturday.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that in spite of such specific direction the wife/opposite party did not bring the minor son at City Centre-II Mall, Action Area-II, Rajarhat, Newtown, Kolkata – 700161 on September 13, 2025.

The learned advocate appearing for the opposite party submits that due to communication gap the wife/opposite party could not produce the minor son at the schedule place on September 13, 2025.

The learned advocate appearing for the petitioner submits that the order passed by this Court on

September 11, 2025 was duly communicated to the opposite party through electronic mail and the plea of communication gap is nothing but to avoid producing the minor child in terms of the said order.

However, it is not in dispute that the minor son was produced at City Centre-II Mall, Action Area-II, Rajarhat, Newtown, Kolkata – 700161 at Food Court on the following Sunday i.e. on 14th September, 2025 at or about 12 noon and the mother allowed the son to interact with the father till 2 p.m. on September 14, 2025. Since the City Centre-II Mall, Action Area-II, Rajarhat, Newtown, Kolkata – 700161 at Food Court is convenient for the respective parties as well as the minor son, this Court is of the considered view that the order impugned should be modified to the extent as indicated hereinafter. The mother/opposite party shall produce the minor son namely, Reyansh Das on the third Saturday of every month at or about 12 noon and shall allow the father to visit his minor son till 3 p.m. on those Saturdays at City Centre-II Mall, Action Area-II, Rajarhat. The mother shall accompany the son and stay at a distance and shall not create any disturbance or interference at the time when the father interacts with the son. It will be open to the parties to have their lunch or snacks as they may agree upon between themselves but the father shall be obliged to provide lunch and/or snacks as the case may be to the son. The father shall

also not disturb or misbehave with the wife during the time of visitation with the son. It is observed that such interaction should be a meaningful one and it is the duty of the parties to see to that for the welfare of the child.

The learned advocate appearing for the petitioner submits that in view of the coming Durga Puja the petitioner may be allowed to have temporary custody of the child for a brief period.

The learned advocate appearing for the opposite party upon taking instructions from his client who is personally present in Court submits that the mother and the son will not be available at town till 29th September, 2025.

In view thereof, the mother is directed to accompany the child on 30th September, 2025 and bring the child at City Centre-II Mall, Action Area-II, Rajarhat, Newtown, Kolkata – 700161 at Food Court at about 11 a.m. and thereafter the father, mother and the son shall move jointly for pandal hopping till 4 p.m. on that day. It will be open to the parties to have lunch jointly on that date if they are agreeable to do so.

The learned advocate appearing for the petitioner submits that at present there is an arrangement which is in place allowing the father to interact with the son through video call for an hour in the evening of Monday

and Friday of every week. It is, however, made clear that such arrangement shall continue until further orders.

The parties will be at liberty to approach the learned trial judge in future for any modification of the existing arrangement. If such an approach is made the learned trial judge shall deal with the same in accordance with law after giving an opportunity of hearing to the other side.

C.O. 391 of 2025 stands disposed of with the aforesaid observations and directions.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)