

11.03.2025
Sl. No. M/L104
g.b.
Court No.06
265719

CO 504 of 2025

Kumarmangalam Lamboria
-Vs-
Sunita Lamboria Nee Goyal

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
.....For the Petitioner

This application under Article 227 of the Constitution of India is at the instance of the father and is directed against the order being No.78 dated 10.12.2024.

By the order impugned the prayer of the petitioner for access to the minor child during the winter vacation of the year, 2024 stood rejected. Since the prayer of the husband was to get access to the minor child during the winter vacation of the year, 2024, at this point of time nothing remains to be decided in this application.

Mr. Banerjee, learned advocate appearing for the petitioner submits that another application under Section 115 of the Code of Civil Procedure for granting regular visitation of the minor child is pending. Mr. Banerjee further submits that the regular Presiding Officer and the Presiding Officer-in-charge of the court of the learned Additional District Judge, 5th Court, Alipore are not available.

In view of the order sought and proposed to be passed, there is no necessity to direct issuance of notice upon the opposite party. However, the learned advocate for the petitioner shall be obliged to forward a copy of this application, along with a copy of this order, upon the opposite party or her learned advocates representing her before the learned Civil Judge.

Since the matter relates to the access of the minor child at the instance of the father, this court is of the considered view that such application is required to be taken up for hearing at the earliest.

In view thereof, CO 504 of 2025 is disposed of without entering into the merits of the order impugned dated 10th December, 2024 but by requesting the learned Additional District Judge, 5th Court, Alipore or the learned Judge-in-charge to take up the hearing of the said application under Section 151 of the Code of Civil Procedure on the next date fixed i.e. on 22nd of April, 2025 and to dispose of the same after giving an opportunity of hearing to the respective parties and by passing a reasoned order.

This order is passed on the basis of the submission made by the learned advocate for the petitioner that the written objection to such application has been filed and the application is otherwise ready for hearing.

The learned Judge is requested to dispose of the application as expeditiously as possible without being influenced by the observation made in the order dated 4th December, 2024 and 10th December, 2024.

With the above direction CO 504 of 2025 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after completion of all necessary formalities.

(Hiranmay Bhattacharyya, J.)