

D/L- 6
13/03/2025
Ct. No.-6
Aritra

C.O. 863 of 2025

**Poulomi Barik
Versus
Biswajit Barik**

Mr. Pankaj Halder
Mr. Neelabha Bera
Mr. Bidish Ghosh
Mr. Bodhidipta Mandal
...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the mother and is directed against the order being No.14 dated December 6, 2024 passed by the learned District Judge, Hooghly in Act VIII Case No.101 of 2023.

The learned advocate appearing for the petitioner submits that the petitioner herein filed an application under Section 12 of the Guardian & Wards Act praying for interim custody of the child. He submits that while the child of the parties was in the custody of the petitioner, he was abducted by the opposite party herein and the minor son is now in the custody of the opposite party.

In this regard, the learned advocate appearing for the petitioner draws the attention of the Court to the enquiry report of the Sub-Inspector of Police, Tarakeswar Police Station dated April 2, 2023.

It appears from the application under Section 12 of the Guardian & Wards Act that the petitioner has prayed

interim custody of the minor son and also prayed for such other relief/reliefs as the Court may deem fit and proper. In the light of the relief/reliefs claimed by the petitioner the learned Judge by the order dated December 6, 2024 allowed the petitioner to meet her son on 2nd and 4th Sunday of every month and the opposite party/father was directed to bring the child for meeting with the mother for at least two hours from 3 p.m. to 5 p.m. and to act accordingly so that the petitioner does not face any inconvenience.

It appears that a MP Case No.46 of 2023 under Section 97 of the Criminal Procedure Code was registered before the Court of the Sub-Divisional Magistrate, Chandernagar, Hooghly and in connection with the said MP case, the Sub-Inspector of Police, Tarakeswar Police Station submitted a report dated April 2, 2023. The Sub-Divisional Magistrate by an order disposed of the said MP case by giving liberty to the petitioner to move before the appropriate Court of law for custody of the minor child if she so desires.

It is not in dispute that pursuant to the said liberty granted by the Sub-Divisional Magistrate, Chandernagore, the petitioner has filed the present Misc. case.

After some arguments, the learned advocate appearing for the petitioner submits that a direction be

given to the learned District Judge, Hooghly to dispose of the Act VIII Case No.101 of 2023 expeditiously.

In view of the order sought and proposed to be passed there is no necessity to direct issuance of any notice upon the opposite parties. However, the learned advocate on record of the petitioner shall be obliged to forward a copy of this application along with this application upon the opposite parties or upon the learned advocates representing the opposite parties in the aforesaid Act VIII case.

From the order sheets appended to the civil revision application it appears that January 21, 2025 had been fixed for hearing of the Act VII Case No.101 of 2023.

The learned advocate appearing for the petitioner submits that the next date has been fixed sometimes in the month of August, 2025.

In the light of the aforesaid submissions made by the learned advocate appearing for the petitioner CO 863 of 2025 is disposed of by giving liberty to the petitioner to approach the learned District Judge, Hooghly for preponement of the next date of hearing. If such application is made the learned District Judge is requested to consider the same and pass orders accordingly. The civil revision application is disposed of by hope and trust that the Act VIII case will be disposed of as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)