

Sl. 7 &
M/L, 536
13.03.2025
Court No.6
BP

C.O. 875 of 2025

Smt. Sreeparna Mukherjee (Chatterjee)
-versus-
Sri Snehabrata Mukherjee

and

C.O. 2 of 2025

Mr. Kaushik Dey
Mr. Sutirtha Das
... for the petitioner

When C.O. 875 of 2025 is taken up for hearing, Mr. De, learned advocate appearing for the petitioner submits that the order dated 6th November, 2024 which was directed to be complied with by the order impugned in C.O. 875 of 2025 is under challenge in C.O. 2 of 2025.

He submits that no caveat has been lodged in respect of C.O. 2 of 2025. Since C.O. 2 of 2025 is appearing in the Monthly List dated 3rd March, 2025 and no caveat has been lodged, the said application is taken up for hearing along with C.O. 875 of 2025.

The opposite party filed an application under Section 7 of the Guardians and Wards Act. In connection with the said Misc. Case the opposite party filed an application praying for a direction upon the petitioner/mother to allow the minor son, Tushar to meet with the opposite party herein. The learned trial judge by an order dated June 26, 2024 passed an order allowing the father/opposite party herein to meet the child once in a week preferably in school holiday or other government

holidays for a duration of two hours in a park conspicuous to the residence of the mother or in any park situated within 4 to 5 kilometres of the residence of the mother.

The opposite party herein filed an application praying for modification of the order dated 26th June, 2024 and the learned trial judge by an order dated November 6, 2024 modified the said order slightly by directing that in the 1st and 3rd week the father would visit the child at Debdwar park at Monirampur, Barrackpore and in the 2nd, 4th and 5th week (if any) in any other park within 4 to 5 kilometers from the house of the mother as per the convenience of the mother and the minor.

Alleging violation of the directions contained in the order dated 6th November, 2024 the opposite party herein filed an application before the learned trial judge which was disposed of by the order dated 31st January, 2025 by directing the mother/petitioner herein to comply with the order dated 26th June, 2024 and 6th November, 2024. The order dated 31st January, 2025 is under challenge in C.O. 875 of 2025.

Mr. De, learned advocate appearing for the petitioner in the aforesaid civil revisional application submits that the petitioner do not have any objection with regard to the directions contained in the order dated 26th June, 2024 but the petitioner is aggrieved against the order dated November 6, 2024 as by the said order the petitioner was directed to bring the minor son to a park which is far from the residence of the petitioner. He submits that the

order dated November 6, 2024 is liable to be set aside for such reason.

This Court finds that the learned trial judge by the order dated 26th June, 2024 allowed the father to meet the child once in a week in a park conspicuous to the residence of the mother or in any park situated within 4 to 5 kilometers of the residence of the mother. Thus the visitation right could have been exercised at parks conspicuous to the residence of the mother or that situated within 4 to 5 kilometers of the residence of the mother. By the order dated November 6, 2024 the learned trial judge only modified the order dated 26th June, 2024 slightly by observing that the father would visit the child at Debdwar park in Monirampur in the 1st and 3rd week and in the 2nd , 4th and 5th week (if any) in any other park within 4 to 5 kilometers from the house of the mother.

The distance of 4 to 5 kilometers as per the earlier order dated 26th June, 2024 has not been modified by the order dated 6th November, 2024. The only modification made is that for two days i.e. 1st and 3rd it will be at Debdwar park and in the 2nd , 4th and 5th week it will be in any other park within 4 to 5 kilometers from the residence of the mother. In view thereof, this Court is not inclined to interfere with the order dated 6th November, 2024.

On a query of the Court Mr. De, learned advocate appearing for the petitioner submits that since the order dated 6th November, 2024 was challenged in C.O. 2 of 2025 and the same was pending before this Court, the petitioner did not comply with the directions contained in the order

dated 6th November, 2024. However, since this Court is not inclined to interfere with the order dated 6th November, 2024 the petitioner herein shall comply with the directions contained in the order dated 6th November, 2024.

For the reasons as aforesaid, C.O. 2 of 2025 stands dismissed.

C.O. 875 of 2025 is disposed of by directing the petitioner to comply with the order and directions contained in the order dated 6th November, 2024 passed by the learned Additional District Judge, 1st Track Court, 2nd Court at Barrackpore.

The petitioner is directed to communicate this order to the opposite party as well as upon the learned advocate representing the opposite party in Misc. Case No. 231 of 2023 forthwith.

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.)