

Court No. 6
(265719)

13.03.2025
(AD 11)
(S. Banerjee)

CO 903 of 2025

Tanmay Das
Vs.
Pritisha Chakraborty

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Ms. Poulami Chakraborty
Mr. Samrat Chakraborty

...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 dated February 18, 2025 passed by the learned Additional District Judge, 2nd Court at Barrackpore, North 24 Parganas in Misc. Case NO. 346 of 2023. By the order impugned the application under Section 151 of the Code of Civil Procedure stood rejected.

It appears from the record that by an order dated November 20, 2024, the petitioner herein was allowed to meet his son on November 21, 2024. The petitioner alleges that though the petitioner arrived at the residence of the opposite party on November 21, 2024 as per the order dated November 20, 2024 but, upon reaching the house of the opposite party, the petitioner found that neither the opposite party nor the son was present at the relevant point of time.

Alleging violation of the directions contained in the order dated November 20, 2024, the petitioner filed the application under Section 151 of CPC.

After some arguments Mr. Roy, learned advocate appearing for the petitioner submits that the petitioner is not really interested in proceeding against the opposite party/wife alleging violation of the order dated November 20, 2024; but the petitioner is interested to exercise his visitation rights. He further submits that certain adverse observations have been made in the order impugned which prompted the petitioner to challenge the same before this Hon'ble Court.

In view of the aforesaid submission made by the learned advocate for the petitioner, the order dated February 18, 2025 is not interfered with. However, the adverse observations made against the petitioner in the said order stands deleted.

It appears from the record that the application praying for interim direction to allow the petitioner to meet his son is pending and a written objection to such application has also been filed but, the date for hearing of such application has been fixed only on June 23, 2025.

Considering the fact that the petitioner is the father and eagerly wants to meet his son, this Court is of the considered view that such an application is required to be taken up at the earliest.

In view thereof, petitioner is granted liberty to approach the learned Additional District Judge, 2nd Court at Barrackpore for preponing the date of hearing of the interim visitation right petition dated August 17, 2023 upon serving a copy of such petition to the learned advocate representing the opposite party in Misc. Case No. 346 of 2023. If such an application is filed, the learned Additional District Judge, 2nd Court at Barrackpore is requested to consider the same and pass orders accordingly.

With the above observations and directions, CO 903 of 2025 stands disposed of.

(Hiranmay Bhattacharyya, J.)