

Sl.213
12.08.2025
Court No.6
BP

C.O. 1485 of 2024

Soumya Dasgupta
-versus-
Monalisa Dasgupta

Mr. Sayak Chakraborti
Mr. Wrickbrata Roy
Mr. S. Chatterjee
Mr. Iswar Das
Mr. N. Molla
... for the petitioner

Mr. Sibaji Kumar Das
Mr. Puspendu Sarkar
Mr. Aniket Karar
..for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the father of a minor daughter and is directed against orders being no.9 dated 24th November, 2023 and no.11 dated 18th January, 2024 both passed by the learned Additional District Judge, Kalyani, Nadia in Act VIII Miscellaneous Case No. 1 of 2022.

By the order dated 24th November, 2023 the father was allowed to meet his child on every Saturday at about 11.30 a.m. and to stay with her till 2 p.m. and they shall have lunch in the restaurant including the child, the father and the mother and the father was allowed to teach his daughter over video call from 8 p.m. to 9 p.m. on every Monday, Wednesday and Friday.

The learned advocate appearing for the petitioner submits that the father filed the application praying for an order allowing temporary custody of the minor girl so that the father can take the girl from the mother on Saturday and return to the mother on Sunday.

The learned advocate appearing for the opposite party submits that the opposite party is not creating any obstruction in the visitation of the father with the minor child as per the direction of the learned trial judge. He further submits that at the time of visitation the petitioner's father is bringing unwanted person in order to create trouble.

Heard the learned advocates for the parties and perused the materials placed.

This Court finds that the learned trial judge allowed the petitioner's father to meet the child on every Saturday for about two and half hours and to teach the daughter over vide call for one hour on every Monday, Wednesday and Friday. The learned trial judge allowed the petitioner to meet with the child and interact both physically and through virtual mode and, therefore, this Court is not inclined to interfere with order dated 24th November, 2023.

On 18th January, 2024 the petitioner's father filed another application praying for handing over the daughter to him on every Saturday and return her on Sunday. The learned trial judge observed that similar

petitions are being filed by the father wasting the time of the court and fixed a date for hearing of such application. The petitioner filed a supplementary affidavit annexing the order dated 25th June, 2024 passed on the application dated 18th January, 2024. It appears from the said order that the learned trial judge has specifically recorded that the child was previously questioned by the court and she said that she would not like to go to her father and stay there without her mother.

In the light of the interaction made by the learned trial judge with the minor daughter and the effect of such interaction as recorded by the learned trial judge that under such circumstances the custody of the girl even for a temporary period cannot be given to the father as the girl is able to form an intelligent preference and she is quite intelligent to have a say, this Court is not inclined to allow the prayer of the petitioner for temporary custody at this stage. The order dated 18th January, 2024 does not call for any interference.

Accordingly, C.O. 1485 of 2024 stands disposed of.

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.)