

29.07.2025
rc/ct.no.06
Item No.04

C.O.No. 2096 of 2025
Sri Muman Pramanick
Versus
SSmt. Papri Singha Roy

Mr.Prodip Paul
Mrs. Anindita Auddy (Das) ...for the petitioner

Mrs. Devipriya Mitra
Mr. Juin Dutta Chakraborty ...for the O.P.

This application under Article 227 of the Constitution of India is at the instance of the father and and is directed against an order dated June 06, 2025 passed by the learned Additional District Judge, Fast Track Court, 5th Court, Alipore, South 24 Parganas in Act VIII Case No. 214 of 2024. By the order impugned the petitioner was allowed physical visitation on every Sunday with the child between 11.00 A.M. and 12.00 P.M. and through VC on every Wednesday and Friday from 7.00 P.M. to 8.30 P.M..

Learned advocate appearing for the petitioner submits that the mother/opposite party herein is not sending the child to the school on regular basis. He further submits that the mother is not taking care of the child and is not looking after the education of the child. He further submits that for such reason the petitioner filed an application before the learned trial judge praying for handing over the custody of the minor child to the

petitioner/father for the purpose of continuing the school education from the residence of the father.

Learned advocate appearing for the mother/opposite party herein submits that the opposite party is all along cooperating with the father for the visitation. However, the petitioner is not complying with the direction contained in the impugned order. She further disputes the submission of the learned advocate for the petitioner that the mother is not sending the child to school on regular basis.

In support of such contention she produced a copy of the order dated July 25, 2025 wherefrom it appears that the child has been admitted at G.D.Birla Public School, Kolkata and is continuing his classes in the new school.

Heard learned advocates for the parties and considered the material placed before this Court.

The petitioner has initiated a proceedings under Act VIII praying for custody of the minor child. In view thereof no interim direction can be passed for handing over the custody of the minor child to the petitioner herein for the purpose of continuing the school education from the residence of the father.

After going through the order impugned, this Court finds that the learned Judge of the trial Court after considering the material on record allowed physical visitation of the petitioner with the minor child on every Sunday from 11.00 A.M. to 02.00 P.M. at City Centre, New Town, West Bengal commencing from June 15, 2024 and

visitation through VC on every Wednesday and Friday from 07.00 P.M. to 08.30 P.M. Thus, this Court finds that the petitioner has been allowed to meet the child physically as well as through VC.

Learned advocate for the petitioner submits that the petitioner may be allowed to take the child to his residence and keep the child in his custody for two days in a week. Such submission is opposed by the learned counsel for the opposite party. However, considering the fact that no application with such a prayer has been filed by the petitioner before the learned trial Court, this Court refrains from making any observation on such submission at this stage.

With the above observations and directions the instant civil revisional application being C.O. No. 2096 of 2025 is disposed of without interfering with the order impugned but by giving liberty to the petitioner to file appropriate application before the learned trial Court in that regard. If such application is filed, learned trial Court shall consider the same after giving an opportunity to the opposite party to file an objection to such application.

There shall be, however, no order as to costs.

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

(Hiranmay Bhattacharyya,J)

