

D/L
Item No. 02
19.06.2025
KOLE

CO 2705 of 2024

Abhijit Agarwal
-Vs.-
Harsha Agarwal

Mr. Rahul Karmakar,
Ms.. Ishita Kundu,

...for the petitioner.

Mr. Anirban Mitra,
Mr. Santanu Chatterjee,
Mr. R. Kr. Nandi,

...for the opposite party.

This application under Article 227 of the Constitution of India is at the instance of the father of two minor sons and is directed against an order being No. 7 dated 20th June, 2024, passed by the learned Additional District Judge, 5th Court, Barasat, North 24 Parganas in Title No. 76 of 2023. By the impugned order the mother was directed to produce the minor sons on first Wednesday of each and every month from 4 pm to 5 pm before the DLSA, North 24 Parganas, Barasat and the petitioner herein was allowed to visit the two minor sons at the said office.

However, during the pendency of the civil revisional application, the opposite party/mother filed an application for modification of the order dated 20th June, 2024. A copy of the order dated 13th May, 2025 has been produced before this Court.

Mr. Karmakar, learned Advocate appearing for the petitioner submits that the arrangement made in the order dated 13th May, 2025 was only during the pendency of the civil

revisional application. He further submits that by the order dated 13th May, 2025, the petitioner was allowed to meet the minor sons only on two alternative Sundays of every month. He submits that the direction be passed upon the opposite party to allow the petitioner to meet the children on all Sundays of the months. He also submits that the petitioner wants custody of the minor sons.

After going through the order dated 13th May, 2025, this Court finds that the same is a consent order. It further appears that by the said order, the mother was directed to produce both the minor sons at the chamber of the learned Advocate of the petitioner/father on each and every second Sunday of the month from 3 pm to 5 pm and to produce the minor sons at the chamber of the learned Advocate for the mother/opposite party on each and every fourth Sunday from 3 pm to 5 p.m. By the said order the mother/opposite party was also directed not to interfere the children when they shall meet their father at the chamber of the learned Advocates at the scheduled time.

Since by the order dated 13th May, 2025, the order dated 20th June, 2024 has been modified and the same was a consent order, this Court is not inclined to interfere with the order dated 20th June, 2024 at this stage.

With the above observations, CO No. 2705 of 2024 stands disposed of.

Parties will be at liberty to approach the learned Trial Judge in future for any modification.

If such an approach is made, the learned Trial Judge is requested to consider the same.

Parties will also be at liberty to make their respective claims with regard to the custody of the share parenting before the learned Trial Court.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Hiranmay Bhattacharyya, J.)