

Sl.36
16.09.2025
Court No.6
BP

C.O. 3422 of 2025

Soumajit Bhattacharya
-versus-
Sonali Bhattacharya

Mr. Debashis Roy, Sr. Advocate
Mr. Uttam Roy
Ms. Sumitra Das
Ms. Srijata Mukherjee
... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the father of a minor son and is directed against an order dated 12th August, 2025 passed by the learned Additional District Judge, First Court, Sealdah, South 24 Parganas in Miscellaneous Case No. 15 of 2022 arising out of Matrimonial Suit No. 95 of 2022.

By the said order the learned trial judge fixed 19th September, 2025 for hearing of the miscellaneous case.

Mr. Roy, learned senior advocate appearing for the petitioner submits that 25th September, 2025 is birthday of the son. He submits that a Co-ordinate Bench by an order dated 24th September, 2024 in C.O. 3381 of 2024 passed certain orders for the access of the petitioner to his son on September 25, 2024. He further submits that an application has been filed by the petitioner praying for access of the son on September 25, 2025. He submits on instruction that though in the order dated 12th August, 2025 it has been recorded that 19th September, 2025 is fixed for hearing of the

miscellaneous case but the application which is annexed at page 93 of the civil revisional application is also fixed for hearing on 19th September, 2025.

By that as it may, considering the fact that the birthday of the son is on 25th September, 2025, this Court is of the considered view that the interest of justice would be sub-served if the learned trial judge is requested to take up the hearing of the application which is annexed at pages 93 and 94 of the civil revisional application on 19th September, 2025 and to dispose of the same on that date considering the limited scope of such application.

It will be open to the petitioner to place reliance upon the order passed by a Co-ordinate Bench on 24th September, 2024 in C.O. 3381 of 2024 at the time of hearing of the said application. The learned trial judge is requested to dispose of such application without granting any unnecessary adjournments to either of the parties. In the event for any reason whatsoever the said application cannot be disposed of on 19th September, 2025, the learned trial judge is requested to fix a short date thereafter considering the fact that the birthday of the child is on 25th September, 2025.

In view of the relief sought for and granted this Court is of the view that there is no necessity to direct issuance of notice upon the opposite party at this stage.

However, the learned advocate on record of the petitioner shall be obliged to forward a copy of this civil revisional application along with this order upon the opposite party forthwith.

With the above observations and directions, C.O. 3422 of 2025 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.)