

Court No. 6
(265719)

25.09.2025
(AD 90)
(S. Banerjee)

CO 3616 of 2025

Agnidipa Das
Vs.
Ranajoy Dutta

Mr. Partha Pratim Roy
Mr. Srijib Chakraborty
Mr. Aditya Mondal

...for the petitioner

Mr. Kallol Basu, Sr. Advocat
Ms. Shohini Chakraborty
Mr. Bratin Kumar Dey
Mr. Samik Sarkar

...for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the wife and is directed against order no. 69 dated September 18, 2025 passed by the learned Additional District Judge, 14th Court at Alipore in Act VIII Case No. 176 of 2022. By the order impugned, the learned Additional District Judge allowed the father to have temporary custody of the minor daughter from October 1, 2025 to October 5, 2025 during the Durga Puja Vacation and from October 25, 2025 to October 27, 2025 during the Diwali break.

Mr. Roy, learned advocate appearing for the petitioner submits that by the order impugned the learned Additional District Judge deprived the mother

from enjoying the Durga Puja days with the child. He submits that pursuant to the order passed by the Hon'ble Division Bench in a Habeas Corpus matter, the father/opposite party was permitted to take the child on every Sunday and return the child to the mother on the following Monday. He, therefore, submits that September 28, 2025 being a Sunday, the petitioner will be deprived from having the company of the child during the Durga Puja days. He further submits that the father/opposite party should not be allowed to take the child to Bardhaman and the father may have the visitation right over the minor child at Kolkata during the Durga Puja vacation.

Mr. Bose, learned senior advocate appearing for the opposite party submits that a family Durga Puja is being performed at the native place of the father/opposite party at Bardhaman. He submits that the child should be allowed to enjoy the Durga Puja along with the father and other relatives at the native place at Bardhaman as directed by the learned Additional District Judge.

Heard the learned advocates for the respective parties and considered the materials placed.

It is not in dispute that the father is permitted to take the child on every Sunday pursuant to the order passed by the Hon'ble Division Bench in a Habeas Corpus matter and to return the child to the

mother on the following Monday. Thus, the father will have the company of the child on September 28 and 29, 2025. If the father/opposite party is allowed to keep the child on September 28 and 29, 2025 and again take the child on October 1, 2025 and keep the child with him till October 6, 2025, the mother will be deprived from having the company of the child during a substantial part of the Durga Puja days.

Faced with such situation, Mr. Bose, learned senior advocate for the opposite party, upon taking necessary instruction from his client, who is personally present in Court submits that if the Court permits the petitioner to have temporary custody of the minor daughter, Arya from October 1, 2025 till October 5, 2025 and to return her by 11.00 a.m. on October 6, 2025, he will not insist for the temporary custody of the child on September 28 and 29, 2025. He further submits that the father/opposite party is ready to forego his right to have the temporary custody of the child on September 28, 2025 only as a condition to have the company of the child at a stretch from October 1, 2025 till 11 a.m. on October 6, 2025. Mr. Bose further submits that the father/opposite party shall take the child from the residence of the mother at about 11 a.m. on October 1, 2025 and take her to the native place at Burdwan and shall return along with the child at his Kolkata residence by 3 p.m. on October 3, 2025.

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

Since the father/opposite party has agreed to forego his right to have temporary custody of the child on September 28, 2025, the mother will have the company of the child during the Durga Puja days on 28th, 29th and 30th of September, 2025. The father/opposite party is permitted to take child at about 11 a.m. on October 1, 2025 from the residence of the mother and take her to his native place at Bardhaman and shall return to his Kolkata residence by 3 p.m. on October 3, 2025.

The father/opposite party shall be allowed to keep the child with him at his Kolkata residence till October 5, 2025 and shall return the child to the residence of the mother by 11 a.m. on October 6, 2025.

It is, however, clarified that the mother shall be at liberty to pick minor Arya from the Kolkata residence of the father/opposite party on October 3 and 4, 2025 at about 6:30 p.m. and she may take her to City Centre I at Saltlake for spending time with her and to drop her at the father's residence at 8 p.m.

It is, further clarified that this court is not interfering with the arrangement made in the impugned order for video conferencing between the

minor and the mother as indicated in the impugned order.

It is also clarified that this court is not interfering with the directions contained in the impugned order insofar as the Diwali break is concerned.

The order impugned is modified only to the extent as indicated hereinbefore.

With the above observations CO 3616 of 2025 stands disposed of.

(Hiranmay Bhattacharyya, J.)