

14.11.2025
SL No.10
Court No.6
(gc)

CO 3752 of 2025

**Sri Sandip Paul
Vs.
Smt. Manisha Paul @ Dey & Ors.**

Mr. Saibal Kumar Acharyya,
Mr. Malay Bhattacharyya,
Mr. Gourab Ghosh

...for the Petitioner.

1. Affidavit-of-service filed in Court is taken on record.
2. Despite service, none appears on behalf of the opposite parties.
3. The Court finds that while deciding the application under Section 151 of the Code of Civil Procedure, the application under Section 12 of the Guardians and Wards Act filed in connection Act VIII Case No.63 of 2025, was rejected. In my view, although the Court has made observations with regard to the welfare of the child, but it does not appear that, any interaction with the child was held by the Court. It also does not appear that any evidence was led by either of the parties. The father was not allowed to adduce evidence in support of his claim for interim custody of the child.
4. This Court is not inclined to decide the merits of the application under Section 12 of the said Act

filed by the father. However, this Court is of the view that the father should have been given an opportunity to place his application and adduce such evidence as may be required. The other issues as to whether the father can have visitation right or virtual interaction with the child are also germane, which should have been decided by the learned Court. The learned Court just dismissed the application under Section 12 when he was actually required to decide the application under Section 151 of the Code of Civil Procedure which was filed for an order to enable the father to spend a part of the puja vacation with the child. The other issues to be decided in the application for interim custody of the child have been left undecided.

5. Under such circumstances, the order impugned is set aside. The learned Court shall re-hear the application under Section 12 of the said Act filed in connection with Act VIII Case No.63 of 2025.
6. Accordingly, the civil revisional application is allowed and disposed of.
7. There shall be no order as to costs.
8. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)