

24.12.2025
Court No.06
Item no.02
CP

C.O. No. 4099 of 2025

Anirban Basak
Vs.
Piyali Basak (nee Banik)

Mr. Subrata Basak
Ms. Jayasree Ghosh

.....for the petitioner.

Mr. Shibjit Mitra
Mr. Samrat Chakraborty

.....for the opposite party.

The petitioner is aggrieved by the order dated September 11, 2025, passed by the learned Principal Judge, Family Court, Calcutta in Act VIII Case No.03 of 2021. The petitioner filed a modification application seeking custody of the child as it is contended that the agreement arrived at between the parties and the consent decree passed on the basis thereof was not being obeyed by the mother.

The learned court, with its own reasons had come to the conclusion that the desire, interest and welfare of the minor was crucial and of paramount importance. The court found that the child was reluctant to go to the father's house. The child was however ready to meet the father in court or elsewhere. The petitioner/father was not ready to go to meet the child either in court or

outside. The court also found that the petitioner failed to bear the expenses for the education of the daughter as the daughter was not meeting him at his own residence.

Under such circumstances, the prayer for modification was disallowed, but the father was granted liberty to meet his daughter at any place to be decided by the parties, preferably near the residence of the child, with the consent of the child.

Learned advocate for the petitioner submits that the learned court ought to have implemented the agreement that was made part of a consent decree.

In my view, the factual findings of the court cannot be interfered with in judicial review, by invoking power under Article 227 of the Constitution of India. However, the right of the father to visit the child cannot be curtailed.

Upon considering the findings of the learned court, this court is of the view that at present the father should have access to the child, but as the child is unwilling to go to the father's house, a neutral venue would be ideal. The reluctance of the child to go to the father's house, has been found by the court. Thus, liberty is granted to the petitioner to file a further application for

modification before the learned court, taking into consideration the above factors.

For the time being, till any other order is passed by the Family court, this court makes the following arrangements:-

- a) On every Saturday, starting from December 27, 2025, the father will have access to the child and meet the child at Avani Mall, Howrah, between 4 pm to 6 pm.
- b) The mother will drop the child at the mall, in the custody of the father at 4 pm.
- c) The father will enjoy the company of the child exclusively. The child may be entertained through games, snacks, shopping etc.
- d) The father will hand over the child to the mother at 6 pm.

It is made clear that the parties shall not leave the mall premises during such visit and the mother will not obstruct or interfere with such meeting.

The revisional application is accordingly disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)