

26.06.2025

Court No.25

Sl. No.43
Mujahid

CO 3925 of 2022

Rajat Sengupta
Vs.
Mrs. Mita Nath

Mr. Jayanta Banerjee,
Mr. Shameek Chakraborty,
Mrs. Ruxmini Basu Roy

...for the petitioner

Mr. Prashan Baidya,
Mr. Soham Banerjee

...for the opposite party

1. Present petition has filed challenging the order no.9 dated 28th October, 2022 whereby learned Additional District Judge, 10th Court, Alipore, 24 Parganas South permitted to meet the petitioner his minor son on 2nd and 4th Saturday of each month from 10.00 a.m. to 12 noon at a place within 1 k.m. of the present residence of the minor.

2. Learned counsel for the petitioner has submitted that for the overall development of the child the impugned order needs to be modified and the petitioner father may be permitted to meet his minor child at least twice in a month at his home only. Learned counsel submits that the father of the petitioner has expired and the mother of the petitioner, that is, grandmother of the child is also

willing to meet the minor child, namely, Rishaan Nath Sengupta. Learned counsel further submits that the impugned order may be modified to the extent that the petitioner and her mother may be permitted to take the child for two days in the month for the entire day. Learned counsel for the petitioner undertakes that the petitioner himself will go to take the child from his mother's house at 10.00 a.m. and will drop the child at 7.30 p.m. on the same day at his mother's house.

3. Learned counsel for the opposite party submits that the order passed by the learned Additional District Judge is very reasonable and there is no ground to interfere in the same. Learned counsel submits that the opposite party wife has never come into the way of meeting the child with his father and even at the time of demise of the father of the petitioner, the opposite party wife took the child to the petitioner's home.

4. The court has considered the submissions. Admittedly there is no other case pending between the parties. It is a settled proposition that in the cases of custody and guardianship the paramount consideration is the welfare of the child, it has repeatedly been stated that for the overall development of the personality of the child. It is necessary that child must get the love and affection of

both the parents. The desire of the grandmother to meet her grandson also cannot be ignored.

5. Thus, taking into account, the totality of the facts and circumstances, the court considers that it would be in the interest of the child and the fitness of the thing if, the petitioner and his mother is permitted to meet Rishaan Nath Sengupta on every 2nd Saturday at their home. The petitioner shall himself go to the opposite party, that is, mother of the child to take the child at around 10.00 to 10.30 a.m. and it will be his responsibility to drop the child at his mother's house at around 7.30 p.m.

6. Learned counsel for the petitioner has also graciously stated that if the opposite party wife wants to accompany the child the petitioner will have no objection.

7. The court earnestly hopes and believes that this system should work well and both the parties shall maintain the cordiality during such meeting. The petitioner father shall be responsible for the welfare and safety of the child during such meeting. If this mechanism works properly for three months the petitioner shall at liberty to move an application before the learned trial court for increasing the duration of meeting or increasing days of interaction. Furthermore, if the opposite party wife finds some

difficulty she shall also be at liberty to move the learned trial court for modification of the order.

8. The present petition stands disposed of.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)