

17.12.2025
Ct. No. 6
Sl. No.7
akd/pk

C. O. 4400 of 2025

[Mr. Supriyo Bardhan -Vs- Mrs. Dipanwita Mitra Bardhan]

Mr. Tridib Bose
Mr. Sourav Roy

... ... for the petitioner

Mr. Debanik Banerjee
Mr. Saptarshi Dutta
Mrs. Shilpi Das
Ms. B. Gayatri
Mr. Souvik Das
Mr. Shubham Das

... ... for opposite party

1. The petitioner is the husband who is aggrieved by the orders dated November 12, 2025 and December 10, 2025 respectively passed in Act VIII case No. 201 of 2025, which is pending before the learned District Judge at Alipore.
2. The learned Advocate for the petitioner submits that the Act VIII case has been filed in the court which does not have jurisdiction. The child lives with the father at Hyderabad. The child was born in Hyderabad. The child has certain ailments and is being treated at Hyderabad. A direction upon the petitioner to produce the infant in court, so that the mother can meet the child, is unreasonable and contrary to the welfare of the child.
3. It is further submitted that, the application challenging the maintainability of the suit on the ground of jurisdiction ought to have been decided by the learned trial court.
4. In my view, bringing a one year ten month old child to Kolkata and his production before the court does not appear to be inconsonance with the comfort of the child.

5. Under such circumstances, the orders impugned are set aside.

6. In the meantime, the mother should not be prevented from meeting the child. The court makes the following arrangements:-

(a) Mrs. Dipanwita Mitra Bardhan, the opposite party-wife, accompanied by Mrs. Shilpi Das, learned Advocate-on-record for the opposite party-wife shall proceed to Hyderabad on 23.12.2025. She will visit the child at the residence of the petitioner, without the petitioner causing any disturbance or hindrance.

(b) If the petitioner is otherwise engaged due to professional reasons, the visit shall happen at the residence, in presence of the mother of the petitioner. Such visits shall take place between 24.12.2025 to 26.12.2025 from 10.00 A.M. to 1.00 P.M.

(c) The expenses for the travel of the mother and the learned Advocate-on-record for the opposite party-wife and their stay at a good hotel, relatively near the residence of the petitioner, shall be borne by the petitioner. The petitioner will make the reservations and also purchase the tickets.

(d) The tickets and reservation of the hotel shall be supplied by the learned Advocate-on-record for the petitioner to the learned Advocate-on-record for the opposite party-wife.

7. The learned Advocate-on-record for the petitioner and the learned Advocate-on-record for the opposite party-wife shall file

reports before the learned trial Judge with regard to the fate of the visits.

8. The learned trial court shall dispose of the application for maintainability of the suit.

9. With the aforesaid directions, the revisional application is disposed of.

10. There shall be no order as costs.

11. All parties are to act on a server copy of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)