

D/L - 6
10.01.2025
Court. No. 5
S.Kundu

C.O. 4332 of 2024

**Smt. Riha Mazumdar
Vs.
Sri Rajib Mazumdar**

Mr. P.P. Roy,
Mr. Shantanu Sinha

...for the petitioner.

Mr. Alok Roy Chowdhury,
Mr. Anindita Roy chowdhury

...for the opposite party.

1. The instant revisional application has been filed, *inter alia*, challenging orders nos. 6 and 7 both dated 29th November, 2024 passed by the learned Additional District Judge, 10th Court, Alipore, South 24 Parganas in Act VIII Case No. 197 of 2024.
2. When the revisional application was moved the petitioner was apprehensive of the fact that the two minor children of the petitioner who had been permitted to travel outside the jurisdiction of the Court with the opposite party, the opposite party in the guise of taking her children to Assam for a vacation may permanently settle the children in Assam which also happens to be the ancestral home of the opposite party. The petitioner was also aggrieved as the aforesaid orders also interfered with the right of visitation of the petitioner.

3. This Court upon hearing the parties and upon considering the materials on record had conditionally permitted the opposite party to take the children to Assam on the undertaking that he shall keep the petitioner informed about the whereabouts of the children so long they remain outside the State of West Bengal.
4. This Court has also upon noting that the opposite party does not have any objection if the petitioner who is the biological mother of the children takes them out for a day, had permitted the petitioner to take both the children out for the day with the undertaking that the children are returned to the opposite party before sunset. In terms thereof, on 21st December, 2024 the opposite party had taken both her children from the residence of the opposite party at 10.00 a.m. and had returned the children to the residence of the opposite party on the same day at 4.30 p.m. Such fact has been recorded in the order dated 23rd December, 2024. Since then the opposite party had travelled with the children to Assam upon furnishing the undertaking before this Court.
5. Today, the matter has appeared once again and it is submitted by the parties that the children have returned to Kolkata and are presently staying with the opposite party.

6. This Court having ascertained the wishes of the respective parties and noting that the opposite party does not have any objection to the visitation of the children by the petitioner in the mode and manner the previous visitation had been conducted, permits the petitioner to take out the children for a day out on every Sunday of the week at 10.00 a.m. in the morning from the residence of the opposite party, on the undertaking to be given by the petitioner that she will return both the children by 5.00 p.m. on the same day at the residence of the opposite party. The aforesaid mode of visitation shall continue for the time being and the parties shall be entitled to seek review thereof after six months before the learned Court. The above order for visitation is passed on the suggestion of the parties.
7. With the aforesaid observations and directions, the revisional application is disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Raja Basu Chowdhury, J.)