

Item No. 271

06.02.2025

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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 4497 of 2023

**Smt. Debasree Sadhu alias Debasree Banerjee
Vs
Sri Saikat Banerjee & Anr.**

Ms. Jagriti Bhattacharya,
Ms. Swarnali Saha

... for the petitioner.

Mr. Debabrata Roy,
Mr. Kaushal Kumar,
Ms. Priyanka Mondal.

... for the opposite party No. 1 & 2.

1. This revisional application has been filed assailing an order dated 16th October, 2023 passed in connection with Act VIII Case No. 12 of 2022, wherein Learned District Judge, Purba Bardhaman refused the application with a prayer for modification of the order dated 25th July, 2023 under Section 151 of the Code of Civil Procedure filed at the instance of the opposite party.
2. Learned counsel appearing on behalf of the petitioner has submitted that child has been suffering from illness and facing a great inconvenience in coming to the court premises twice in a month and time period was scheduled from 2 P.M. to 5 P.M. in the court room of the

Learned Trial Judge, which was directed in the order dated 25th July, 2023.

3. Learned counsel appearing on behalf of the opposite parties has drawn my attention to the order dated 25th July, 2023, whereby the application under Section 12 of the Act was passed on consent and compromise and it is further contended that by that order next date was fixed on 2nd September, 2023 and petitioner/opposite party filed an application for modification on 10th September, 2023 assigning the reason of illness and inconvenience of the child.
4. This is not a case of the opposite party that child was not ill or no inconvenience stated in the application under Section 151 of the Code of Civil Procedure was faced by the child at the time of passing the order on 25th July, 2023.
5. Therefore, I find no irregularity in the order assailed in this revisional application refusing the prayer for modification of the order dated 25th July, 2023.
6. However, opposite party/wife is given liberty to file application before the Learned Trial Judge in case of any exigency or inconvenience regarding production of the child before the Learned Trial Judge in compliance with the order dated 25th July, 2023.

7. With the aforesaid observation, the revisional application stands dismissed with a request to the Learned District Judge, Purba Bardhaman to dispose of the application as expeditiously as possible.
8. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)