IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Supratim Bhattacharya

CO/473/2026

Priya Sarkar
VS
Indranil Paul

For the petitioner	:	*Mr. Shyamal Kanti Banerjee,* *Ms. Nipasri Tagore,* *Mr. Ratan Pathak*
For the Opposite Party	:	*Md. Shamimuddin,* Ms. Sucharita Roy, Sk. Imti Sum
Heard on	:	6.10.2026
Judgment on :	:	6th October, 2026

Supratim Bhattacharya, J.

1. Affidavit-in-Opposition has been filed after serving copy of the same, let it be kept with the record.
2. Heard the learned advocate representing the petitioner-mother and the learned advocate representing the opposite party-father.
3. The lis involves custody of a male child, who is aged about three years and presently is in the custody of the father.
4. The petitioner-mother has sought for interim custody, and as regards the same, the learned Trial Court has opined that before passing an order as regards to

interim custody of a minor, the minor needs to be interacted with by the Court. The learned Court has also given liberty to the petitioner-mother to meet the child on every Sunday within 5:00 p.m. and 6:00 p.m. at Hiland Park, Kolkata, till the next date.

5. Being aggrieved by and dissatisfied with the said order dated 22nd December 2025, the petitioner-mother has preferred the present civil revisional application.

6. The learned advocate representing the mother submits that the male child is now aged about four years and is in custody of the father, and the said child requires love and affection of both the mother and father, as such, interim custody be handed over to the mother.

7. He has further submitted that the petitioner-mother is the right person to have the custody of a child aged about three to four years. The learned advocate has relied upon a judgment passed by the Hon'ble Apex Court in Civil Appeal arising out of ***SLP (Civil) No. 31099 of 2024***, in the case between ***Arathy Ramachandran vs. Bijay Raj Menon,*** reported in ***2025 INSC 587***.

8. He further submits that the impugned order is required to be interfered with, as the interim custody which has been sought for by the petitioner-mother has not been granted.

9. *Per contra*, the learned advocate representing the opposite party-father submits that the child has been produced on each and every date as per the direction of the learned Trial Court, barring those days on which the child has been unwell. He has further submitted that on the last occasion, that is on the 6th day of September, 2026, as the petitioner-mother could not come to meet her child, the child was not produced.

10. He has further submitted that barring the days on which the child was unwell, on each and every occasion the child has been produced to meet the petitioner-mother. He has further submitted that the impugned order does not require interference and has relied upon the self-same judgment which has been relied upon by the learned advocate representing the petitioner-mother.

11. On perusal of the impugned order, it transpires that the learned District Judge-in-Charge, vide order dated 22nd December, 2025, while considering the prayer for interim custody of the minor child, has opined that before passing any order as regards interim custody of a minor, the minor needs to be interacted with by the Court. Apart from the same, the learned Trial Judge has given liberty to the mother to meet her child on every Sunday within 5:00 p.m. and 6:00 p.m. at Hiland Park, Kolkata, till the next date, which, in the view of this Court, is the correct decision which has been taken by the learned Trial Judge.

12. The utmost consideration of a Court while dealing with the interest of a minor child is the welfare and well-being of the child. So, as regards granting interim custody of a child aged about four years, the learned Trial Judge is to hear the said child, which has been opined through the impugned order. The learned Trial Judge has also granted liberty to the mother-petitioner to meet the child on every Sunday within 5:00 p.m. and 6:00 p.m. at Hiland Park, Kolkata, till the next date, which in the view of this Court, is the correct decision which has been taken by the learned Trial Judge. As such, this Court is of the view that the impugned order does not require interference.

13. To come to the just conclusion as regards interim custody, the child has to be produced before the learned Trial Judge at 10:00 a.m. in the Chamber of the

learned Trial Judge that is the learned District Judge at Alipore, South 24 Parganas, on 9th October, 2026 to have interaction between child and the learned District Judge. Thereafter, the learned District Judge shall take decision.

14. In the meantime, let the interim order of meeting with the child by the petitioner-mother on every Sunday within 5:00 p.m. and 6:00 p.m. at Hiland Park, Kolkata, be continued.

15. Thus, this present civil revisional application being **C.O. 473 of 2026** is disposed of. There will be no order as to costs.

16. Parties shall act on the server copy of this order.

(Supratim Bhattacharya, J.)