

CO. 1217 of 2026

20.05.26
D/L
Sl-368
Ct. 06
(Samar)

Ranajoy Dutta
Vs.
Agnidipa Das

Mr. Kallol Bose,
Ms. Shohini Chakraborty,
Mr. Samik Sarkar,
... for the petitioner.

Mr. Srijib Chakraborty,
Mr. Aditya Mondal,
Mr. Washim Aktuir Dafader,
.... for the opposite party.

1. This revisional application is directed against an order dated March 19, 2026 passed by the learned Additional District Judge, 14th Court at Alipore, South 24 Parganas in Act VIII Case No. 176 of 2022.
2. The petitioner has filed a petition under Section 10 of the Guardians and Wards Act, 1890 praying for custody of the minor girl child of the parties. The same has been registered as Act VIII Case No. 176 of 2022 and is pending before the learned Additional District Judge, 14th Court at Alipore, South 24 Parganas.
3. In the said Act VIII case, the petitioner filed an application under Section 151 of the Code of Civil Procedure, 1908 praying for temporary over night custody of the minor daughter for a period of 15 continuous days from March 22, 2026 to April 5, 2026 during the sessions break of class 4-5

beginning the first week of March 2026 and ending on April 06, 2026. The said application was disposed of by the order dated March 19, 2026 by granting temporary custody of the minor child to the petitioner from March 22, 2026 till March 26, 2026.

4. The said order has worked itself out and the petitioning father has had the custody of the minor child for the period allowed by the learned Trial Court. The petitioner has still filed the present revisional application feeling aggrieved by certain observations made by the learned Trial Court in the said order dated March 19, 2026.
5. Mr. Bose, learned advocate appearing for the petitioner submits that the observations made by the learned Trial Court in paragraphs 3, 7 and 8 of the order impugned are damaging in nature. He submits that the first two of the three observations aforesaid are based on either selective reading of orders passed by this Court or misreading thereof. As regards the third observation he submits that the same are inappropriate. He has taken this Court though the order impugned as well as through the various orders passed by this Court from time to time in respect of the minor child's custody in order to demonstrate that the observations made in the order impugned deserve

expunction.

6. Mr. Chakraborty, learned advocate appearing for the opposite party submits that all the observations made by the learned Trial Court are based on orders passed by the learned Trial Court from time to time as well as this Court upon such orders of the learned Trial Court being carried in revision to this Court.
7. He has placed before this Court a compilation of various orders passed by the learned Trial Court as well as this Court in order to demonstrate that the observations made by the learned Trial Court would be borne out from the orders passed by this Court.
8. Mr. Bose, however, maintains that the learned Trial Court has been selective in relying on the observations made by this Court in CO. 1632 of 2023 and CO 1879 of 2025.
9. Upon going through the orders passed by the learned Trial Court as well as this Court from time to time, it appears that although the observation made at paragraph 3 of the order is not there in the order dated June 14, 2023 passed in CO 1632 of 2023 (heard along with CAN 1 of 2023), such observation is indeed there in the earlier orders dated May 22, 2023 and June 09, 2023.
10. This Court notes that by the order dated June 13, 2023 passed in CO 1632 of 2023 (heard along

with CAN 1 of 2023) it had been observed that the learned Trial Court would not be influenced in deciding the application for temporary custody by the observations made in orders dated 22.05.2023 and 13.06.2023. Such observation therefore has to be read in conjunction with the later order.

11. Insofar as the observation at paragraph 7 is concerned the same is indeed there in the order dated March 23, 2025. Mr. Bose submits that such observation is selective inasmuch as the reason for directing the grandparents of the minor child to stay with the child have not been spelt out in the said order by the learned Trial Court although the same were detailed in this Court's order dated March 23, 2025. Since the learned Trial Court has referred to the order dated May 23, 2025 there is no reason to read the order dated May 23, 2025 selectively and not wholesomely. The learned Trial Court has stated that the direction is being made *"honoring the observation made by the Hon'ble High Court in order dated 23.05.2025 in CO 1879 of 2025"*. That implies that the observations made by this Court in the order dated May 23, 2025 in CO 1879 of 2025 should be read holistically into the order passed the learned Trial Court.
12. Insofar as the observations made in paragraph 8 of the order impugned is concerned the

petitioner's grievance may be ameliorated by observing that the same are mere words of caution which are applicable to both the parties i.e. the parents of the child. Indeed, parents must always remain vigilant and take all necessary steps to prevent any detriment or negative impact on their child's psyche or mental state. The observation must be read in that light.

13. Since, the impugned order has been complied with and the petitioning father has had the custody of the child for the specified period, nothing further remains to be ordered on the present revisional application.
14. Another application for temporary custody at the instance of the petitioner is pending before the learned Trial Court which shall be considered and disposed by the learned Trial Court, in accordance with law, based on its own merits.
15. CO. 1217 of 2026 stands disposed of. There shall be no order as to costs.
16. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)