

**In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
And
The Hon'ble Mr. Justice Biswaroop Chowdhury**

**FMA 774 of 2025
with
CAN 1 of 2025**

**PINAKSHI DE
VS.
SRIMOYEE DE (KAR)**

For the appellant	:	Mr. Suhrid Sur
For the respondent	:	Mr. Kamalesh Ch. Saha Mr. M. Saha
Heard on	:	05.02.2026
Judgment on	:	05.02.2026

Sabyasachi Bhattacharyya, J.:-

1. Heard learned counsel for the parties.
2. In view of the short point involved, we take up the appeal for hearing along with the application.
3. By the impugned order, the application under Section 25 of the Guardians and Wards Act, 1890 filed by the appellant/father, for custody of his son, who is about 12 years old, was dismissed. While doing so, the learned Trial Judge specified that the respondent/mother will allow the petitioner/father to meet the child

and accept gift whenever the petitioner/father approaches the child for the said purpose without any hindrance. It was kept open for the parties to move the Court for modification if there is any change of circumstance.

4. Learned counsel for the appellant submits that the father will be contented in the event visitation of the child is given once a month to the father, by permitting the father to bring the child to the appellant/father's home, where the grandfather of the child, that is the father of the appellant, is also residing and will be able to see the child, and thereafter return the child to the respondent/mother within the same day.
5. Learned counsel for the respondent submits on instruction that the minor child of the parties takes Yoga classes on Saturdays and Sundays and on weekdays he has school. As such, it is submitted that it will be difficult to grant visitation right to the father outside the premises of the respondent/mother.
6. However, upon considering the submissions made by the parties, this Court is of the opinion that the custody given to the mother ought not to be disturbed, keeping in view the long period during which the child has been with the respondent/mother. However, for the healthy upbringing and proper welfare of the child, who is a boy of 12 (twelve) years, there should be proper interaction with both the parents.

7. As such, the prayer made by the appellant in that regard appears to be reasonable, restricting the visitation right for once a month on a weekend, by the father taking his son to his house for a particular period so that the paternal family of the child can also have an interaction with him.
8. Moreover, we find from the impugned order that the learned Trial Judge has given a blanket right of visitation to the appellant/father, by permitting the father to meet the child and give gifts to him whenever the father approaches the child for such purpose, without any hindrance. This Court is of the opinion that such blanket order of visitation shall create more problems than it will solve, in view of the already existent acrimony between the parties.
9. In order to obviate further legal battles, this Court is of the view that the visitation as indicated above ought to be granted.
10. Accordingly, FMA 774 of 2025 is disposed of by modifying the impugned order dated March 29, 2025 passed by the learned Additional District Judge, Third Court at Barrackpore, District: North 24 Parganas in Miscellaneous Case (Act VIII) No. 214 of 2022, to the effect that the appellant/father shall, on the first Sunday of every month, starting from February 8, 2026, pick up the minor son of the parties from the son's present residence (that is, the respondent-mother's house) at 9 a.m. and return the child to the respondent/mother at her house by 5 p.m. the same day. During the

period of visitation, the appellant/father shall be entitled to take the minor son to the appellant's home for an interaction with the appellant's family.

11. However, such timelines shall be strictly adhered to by the appellant. The parties are directed to cooperate with each other to ensure due compliance of this order.
12. CAN 1 of 2025 is also disposed of accordingly.
13. There shall be no order as to costs.
14. Parties shall act on the basis of server copy of this order, duly downloaded from the official website of this Court.
15. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties expeditiously upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Biswaroop Chowdhury, J.)