

Item No.- 17
20.05.2026
Court No. 6
Rohan

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

C.O. 1608 of 2026

**Riya Mukherjee (Nee Majumder)
Versus
Aritra Majumder**

Mr. Sharanya Chatterjee,
Mr. Subhajit Barman.

... for the Petitioner

Mr. Angshuman Chakraborty,
Mr. Surojit Halder,
Mr. S. S. Saha.

... for the Opposite Party

1. This revisional application is directed against the order dated April 23, 2026 passed by the learned District Judge-in-Charge, Alipur, South 24 Parganas, in Misc. Case No. 124 of 2026 whereby on an application under Section 12 of the Guardians and Wards Act, 1890 (for short, "1890 Act") read with Section 151 of the Code of Civil Procedure, 1908 filed by the opposite party, an order has been passed restraining the petitioner from *"causing disturbance or annoyance with respect to the minor in question in and around Shaw Public School as well as the residence"* of the opposite party.
2. The opposite party has initiated Misc. Case No. 124 of 2026 by filing an application under Section 25 of the 1890 Act read with Section 6 of the Hindu Minority and Guardianship Act, 1956 praying *inter alia* for declaration and grant of permanent custody of the

minor girl child of the parties to the opposite party. In such Misc. Case, an application under Section 12 of the 1890 Act has been filed by the opposite party praying for interim custody of the minor child during pendency of the proceedings and orders injuncting the opposite party from removing or interfering with the custody of the minor child and from causing any disturbance and annoyance in and around Shaw Public School as well as residence of the opposite party were also sought.

3. The aforesaid application under Section 12 of the 1890 Act was pressed *ex parte* on April 23, 2026 and the order impugned came to be passed. The learned Trial Court has, by the order impugned, injuncted the petitioner from disturbing or causing annoyance to the minor child, as prayed for in the said application, till June 8, 2026. Feeling aggrieved by the said order, the petitioner has approached this Court by filing the present revisional application.
4. Learned advocate appearing for the petitioner submits that the Misc. Case that has been initiated by the opposite party is not maintainable. He further submits that by reason of the impugned order, the petitioner is unable to meet her child. It is further submitted that there are chances that the opposite party may remove the child away from the jurisdiction of the learned Trial Court and the child may be physically harmed by the

opposite party. He further submits that since the summer vacation of the school where the child is presently studying has commenced and the same might end by June 8, 2026, the petitioner would be unable to meet the child if no order is granted urgently.

5. Learned advocate appearing for the opposite party vehemently opposes the prayer. He hands up to Court a copy of an order dated January 30, 2026 passed by the Bench of Magistrate of the First Class, Child Welfare Committee, Kolkata and demonstrates that custody of the child has been handed over to the opposite party. A copy of the said order is taken on record.
6. He next takes the Court through the order dated March 5, 2026 passed by the learned Sessions Judge-in-Charge passed in Criminal Appeal No. 58 of 2026 that had been carried from an order dated February, 24, 2026 passed by the learned ACJM at Alipore in connection with AC Case No. 377 of 2026 under Sections 12 and 23(2) of the Protection of Women from Domestic Violence Act, 2005.
7. He points out therefrom that an earlier order by the Court of the learned ACJM at Alipore granting visitation rights to the opposite party, over the minor child, has been stayed by the learned Sessions Judge and May 15, 2026 has been fixed as the next date. He

invites the attention of the Court to the proceedings before the learned ACJM which had fallen for consideration before the learned Sessions Judge in the criminal appeal. He submits that the order records that a case under Section 16 of the POCSO Act, 2012 has been initiated against the “*alleged paramour*” of the petitioner.

8. Learned advocate appearing for the petitioner submits that he has no notice of any order passed by the Bench of the Magistrate of the First Class, Child Welfare Committee, Kolkata as submitted by the opposite party.
9. Heard the learned advocates appearing for the respective parties and considered the materials on record.
10. Since the order passed by the learned District Judge-in-Charge on April 23, 2026 is only an *ex parte ad interim* order which is limited till June 8, 2026 and which has been passed upon returning *prima facie* findings, therefore, this Court is not inclined to interfere with the order at this stage.
11. Justice would be subserved if liberty is granted to the petitioner to approach the said learned Court by way of an appropriate application seeking preponement of the date of hearing of the aforesaid case/application that has been fixed on June 8, 2026. If such an application

is filed, the learned District Judge, Alipore is requested to consider the same and prepone the date for hearing of the application filed by the opposite party as per the convenience of the said learned Court.

12. The petitioner shall also have liberty to pray for visitation of the child before the learned District Judge by way of appropriate application.

13. Needless to mention that the learned District Judge, Alipore, South 24 Parganas shall decide any such application without being influenced by any observation made hereinabove.

14. All points are left open to be decided by the learned District Judge, in accordance with law.

15. With the aforesaid observations, C.O. 1608 of 2026 stands disposed of. There shall be no order as to costs.

16. Urgent Photostat certified copy of the order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Om Narayan Rai, J.)