30.10.2026
Sl no. SL1
Ct no. 3
(Vacation Bench)
P.M..

C.O. 3916 OF 2026
Sri Debraj Sardar.
- Vs –
Smt. Mousumi Sardar.

Mr. Sandipan Das,
Mr. Shubhankar Halder
...for the petitioner
Mr. Chandrachur Biswas,
Mr. Tushar Das,
Ms. Sulogna Chowdhury
... For the opposite party

1. Pursuant to the order dated October 22, 2026, the petitioner has served a copy of the instant revisional application on the opposite party/mother.
2. Affidavit of service filed on behalf of the petitioner is taken on record.
3. Learned advocate for the opposite party is present.
4. Learned advocate representing the petitioner submits that by an order dated October 12, 2026, the learned Additional District and Sessions Judge, 4th Court at Alipore, South 24-Parganas in Case No. 186 of 2026 had rejected the petitioner's application under Section 151 of the Code of Civil Procedure, 1908 praying for temporary custody of his minor daughter during the Puja Vacation.

5. Learned advocate representing the petitioner submits that the minor female child is now aged about nine years. He submits that the father has been deprived of the company of the minor daughter since around 2025.
6. He submits that the father is very inclined to have his daughter's company during the ongoing festive season. Unfortunately, the learned Trial Court had a talk with the minor child and found that the minor child was reluctant to be in touch with her father and refused to stay with her father during the Pujas.
7. In view of the strongly expressed wish and desire of the minor girl, the learned Trial Court rejected the prayer of the petitioner.
8. Learned advocate representing the petitioner submits that although temporary custody was denied to the father, he should at least be entitled to spend some time with his daughter during the upcoming Kali Puja and Bhaiphonta.
9. He submits that the father of the child cannot be deprived of visitation rights.
10. Learned advocate representing the opposite party submits that there is no question of handing over custody of the minor child to the petitioner. However, he fairly submits that the

opposite party is willing to grant access of the minor child to the petitioner. However, he submits that such access should be only granted in the presence of the mother of the child.

11. I have considered the submissions made by the learned advocates representing the parties and I have also considered the materials on record.

12. I am of the view that although it is true that the wish and desire of the minor child should be given paramount consideration, the father cannot be deprived completely of his access to his minor daughter. Even though he may not be entitled to temporary custody of the child, he is at least entitled to visitation rights in respect of his minor daughter. Accordingly, this application is disposed of with the following directions : -

i) The opposite party will bring the minor child, Aradhya Sardar, to the office of the State Legal Services Authority, West Bengal on November 2, 2026, November 4, 2026 and November 6, 2026 from 12 p.m. to 4 p.m;

ii) The opposite party along with her parents may choose to remain present during the aforesaid periods along with the minor child;

iii) The petitioner and his parents will also be allowed to meet the minor child at the office of the State Legal Services Authority, West Bengal during the aforesaid periods;

iv) The petitioner will ensure that he is hospitable towards all present on behalf of the parties on the aforesaid dates at the office of the State Legal Services Authority, West Bengal;

v) All parties and all family members will ensure that they maintain a congenial atmosphere at the office of the State Legal Services Authority, West Bengal on the aforesaid dates;

vi) The Member Secretary of the State Legal Services Authority, West Bengal is requested to ensure that one officer of the State Legal Services Authority, West Bengal is deputed to be present with the aforesaid parties at all points of time during the aforesaid periods at the office of the State Legal Services Authority, West Bengal; and

vii) The advocates-on-record of both parties are also requested to be present at the office of the State Legal Services Authority,

West Bengal during the aforesaid periods on November 2, 2026, November 4, 2026 and November 6, 2026.

13. The petitioner is directed to communicate a copy of this order immediately to the Member Secretary of the State Legal Services Authority, West Bengal.

14. Accordingly, this civil revisional application, being C.O. 3916 of 2026, stands disposed of.

15. There will be no order as to costs.

16. All parties shall act in terms of the server copy of this order downloaded from the official website of this court.

17. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Rishad Medora, J.)