

Calcutta High Court (Appellate Side)

Gunjan Shah vs Pramod Nawalgaria & Ors on 20 November, 2019

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20.11.2019

Ct. No.33 pg.

IN THE HIGH COURT AT CALCUTTA CIVIL REVISIONAL JURISDICTION APPELLATE SIDE CO 2572 of 2016 (Assigned) Gunjan Shah Vs.

Pramod Nawalgaria & Ors.

Mr. Gunjan Shah ... Petitioner-in-person Mr. Pratip Kumar Mukherjee Mr. Amaruata Agarwal Mr. Ranjit Kumar Balmiki Mr. Sudipta Mondal ... For the opposite parties Petitioner, opposite party no.4 along with the child and the learned advocate for the opposite parties were present in my chamber as per the order dated November 14, 2019 passed in CO 2572 of 2019.

I talked with the child in presence of her parents. Petitioner, being the father of the minor child, has challenged the order dated July 26, 2019 passed by the learned Additional District Judge, 7th Court at Barasat, District

- 24-Parganas (North) in Misc. Case No.118 of 2019. The impugned order relates to the right of visitation of the child by the father/petitioner.

The grievance of the petitioner is that the observation made by the learned Trial Judge while passing the impugned order was not based on actual facts. The petitioner appearing- in-person has submitted that the learned Trial Judge in the impugned order observed that the petitioner and his wife, i.e., opposite party no.4, are living separately for a considerable period of time. Both the petitioner and the opposite party no.4 have submitted that they are leaving separately since June, 2019.

After going through the impugned order, it appears to me that the impugned order is interim in nature. The learned Trial Judge at the time of passing the impugned order has specifically mentioned that the impugned order will be reviewed after three months.

In this connection, the petitioner-in-person has submitted that he has already filed report for the purpose of reviewing the impugned order and the learned Trial Judge has fixed on November 21, 2019 for consideration/review of the impugned order along with other applications filed before the learned Trial Court in connection with the custody of the child.

In the above situation, I do not find any reason at this stage to interfere with the impugned order. But from the submission made by learned advocate for the opposite parties as well as the petitioner-in-person, the learned Trial Judge is requested at the time of reviewing the matter the

learned Trial Judge should keep in mind that the place of visitation of the child, by the father, if any, should not be in the chamber of any advocate. Learned Trial Judge is at liberty to select any place and any impartial person in whose presence the right of visitation, if any, may be taken place.

With this observation, the revisional application is disposed of.

Urgent photostat copies of this order, duly counter- signed by the Assistant Registrar (Court) be supplied to learned advocates for the parties on usual undertakings.

(Madhumati Mitra, J.)