

29.11.2021
SL No.3
Court No.8
(gc)

FMA 520 of 2021
With
CAN 1 of 2020
With
CAN 2 of 2020

Tushar Kanti Das
Vs.
Kajal Saha

(Via Video Conference)

Mr. Debojoti Dutta,
Ms. Sohini Chakraborty,
Mr. Amritam Mondal,
Mr. Aditya Mondal,

....for Appellant.

Mr. Srijib Chakraborty,
Mr. Subhasis Chakraborty,
Mr. Amit Chowdhury,
Ms. Sushmita Kumari Singh,

...for the Intervenor-Julie Roy.

The mourning in the family of Ms. Julie Roy who presently claims to be the caregiver of child after the death of her grand mother Smt. Kajal Saha, is the explanation offered by the learned Advocate for Ms. Julie Roy for not producing the child before us at 2.00 p.m. today.

Considering the tender age of the child, we direct the Child Welfare Officer to interact with the child exclusively and in absence of the parties at his office or at his suitable place and file a report in a sealed envelope on the adjourned date. We request the Child Welfare Officer to be present on the adjourned date. Since the child is presently at the custody of Ms. Julie Roy, as it appears from the earlier order of the Coordinate Bench, we do not want to disturb the same till we take up the matter on the adjourned date, i.e., 6th

December, 2021 at 2.00 p.m. This order shall immediately be communicated by the Secretary, Juvenile Justice Committee to the Child Welfare Officer of the District concerned for immediate implementation. Any inconvenience caused to the Child Welfare Officer by either of the parties shall be viewed seriously.

The visitation right of the child as granted by the Coordinate Bench shall continue and it is agreed upon by the parties that the minor be handed over to the appellant at 9.00 a.m. on 4th December, 2021 from the residence of Julie Roy and the appellant shall hand back the minor to the said Julie Roy at her residence at 9.00 p.m. on the same date. We request the Child Welfare Officer not to disturb this visitation right and the Child Welfare Officer may interact with the child on any other dates at her convenience. All other directions in the order dated 17th November, 2021 shall remain unaltered, save and except, that at the time of handing over of the child to the Child Welfare Officer, there is no requirement for the presence of the learned Advocates for either of the parties. However, it is advisable that the Child Welfare Officer may inform Mr. Tushar Kanti Das and Ms. Julie Roy in advance.

The affidavit-in-opposition to the supplementary affidavit is kept with the record. Reply thereto, if any, shall be filed on or before 6th December, 2021.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)