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IN THE HIGH COURT OF ORISSA, CUTTACK

W.P.(C) No.12857 of 2025

(In the matter of an application under
Articles 226 and 227 of the Constitution of India)

..... Petitioner

-Versus-

..... Opposite Party

Advocate for the parties

For Petitioner : Mr. G.K. Acharya, Senior Advocate
assisted by Ms. A. Mohapatra,
Advocate

For Opposite Party : Mr. S.K. Patnaik, Advocate

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing: 15.10.2025 Date of Judgment: 28.10.2025

S.K. Mishra, J.

1. Impugned is the order dated 20.03.2025 passed by the learned Judge, Family Court, Cuttack in C.P No.299 of 2024, vide which the following prayers of the Petitioner under



Section 151 of CPC for visitation rights to meet with his infant son, namely, “***** Raiguru”, stood rejected:

a.** The Petitioner/husband and his parents may be allowed visitation rights to see his son, Baby ***

Raiguru, on each Sundays of the month at Cuttack preferably at Hotel Promod Convention between 03-05 P.M. and he may be permitted to give gifts for his son.

b.** Once in a weekday (Wednesday 3PM) whatsapp video call for 15 mins with **.*

c.** ** will spend a few hours on his birthday with his father & his family.*

d.** ** will also attend his father-side ceremonies, functions, events of friends & families as needed for the duration as required including travel.*

e.** ** will spend 4 hours 3 PM to 7 PM with Saurav and his family on Saurav and his parents’ birthdays, Odia and Hindu festivals.”*

2. Though, vide order dated 07.08.2025, on being suggested by learned Counsel for the parties, both the parties were directed to appear before the Mediator, High Court Mediation Centre, but, as per the mediation report dated 18.08.2025 on record, the mediation failed. Thereafter, vide order dated 26.08.2025, though this Court granted time to the Opposite Party-wife to file Counter, if any, unfailingly before the next date of listing, no Counter was filed by the



Opposite Party opposing to the prayer made in the writ petition. However, on consent of learned Counsel for the parties, the writ petition was taken up for hearing and disposal at the stage of admission permitting the learned Counsel for the Opposite Party-wife to have his say/oral objection, if any, in response to the prayer made in the writ petition.

3. The brief background of the present lis, as detailed in the writ petition, is that on 02.04.2021 the Petitioner and the Opposite Party got married in Cuttack. Thereafter, they moved to Bangalore, where both were employed. A male child namely, ***** Raiguru was born to them on 29.12.2023 in Bangalore.

3.1 It is the case of the Petitioner that, on 18.01.2024, the Opposite Party, without his consent, left the matrimonial home along with the minor son. On the very same day, she lodged an F.I.R in Mahila P.S. Case, Cuttack alleging offences under Section 498A, 307, 354 of IPC along with other provisions, including Section 4 of the Dowry Prohibition Act, 1961, shortly, 'D.P. Act'. Pursuant to the same, notices were issued under Section 41A to the Petitioner and his Parents



and they were released on personal bond. Meanwhile, a charge-sheet has been submitted before the learned SDJM, Cuttack, wherein alleged offences under Sections 307 & 354 of I.P.C. have been dropped.

3.2. Thereafter, the Petitioner filed a divorce petition before the Learned Judge, Family Court, Cuttack on the ground of cruelty citing mistreatment and torture by the Opposite Party. In parallel, the Opposite Party also filed a petition under Sections 12 and 23 of the Prevention of Domestic Violence Act, 2005, shortly, 'D.V. Act', before the learned JMFC (City), Cuttack claiming interim maintenance along with house rent. On contest, the learned Court below allowed Rs.20,000/- per month towards maintenance and Rs.10,000/- per month towards house rent. Both the parties have challenged the said order before the learned District Judge, Cuttack, which is now pending adjudication.

3.3. The Petitioner also lodged an F.I.R against the Opposite Party alleging offences under Sections 307, 323, 326, 294 and 506 of IPC at Bangalore, which was registered pursuant to an order passed by the learned CJM, Bangalore. The Opposite Party obtained anticipatory bail from



the learned Sessions Court, Bangalore with a direction to cooperate in the investigation, appear before the Police once a month and also to appear on each date of trial.

3.4. Further, during pendency of the divorce proceeding, the Petitioner, despite being the natural father, was denied access to his only new born child. Repeated requests of the Petitioner through email to the Opposite Party were not considered, compelling the Petitioner to file an application seeking visitation right before the learned Judge, Family Court, Cuttack. However, the said application was rejected vide Order dated 20.03.2025. Being aggrieved by the said order, the Petitioner has preferred the present Writ Petition.

4. Reiterating the grounds urged in the Writ Petition, learned Senior Counsel for the Petitioner submitted that, despite reliance was placed upon the judgment of the Supreme Court in ***Yashita Sahu Vs. State of Rajasthan & Ors***, reported in (2020) 3 SCC 67, pertaining to visitation rights of either of the spouses, the learned Court below rejected the Petitioner's application for visitation without considering and addressing the same while passing the



impugned order. Hence, the impugned order, being contrary to the settled position of law, deserves interference.

4.1. Emphasizing the well-settled legal position, the learned Senior Counsel for the Petitioner further submitted that, irrespective of the pendency of matrimonial disputes or nature of offences alleged against the Petitioner, he being the non-custodial spouse, has a legal right to visit his child. It was also submitted that, the Petitioner was deprived of seeing his child since the child was only 2 weeks old and at present he is around 21 months old, having had no interaction with his father and grandparents.

4.2. Learned Senior Counsel for the Petitioner further submitted that, though Supreme Court in appropriate cases recognized the mode of contacts through WhatsApp, video calls, Zoom meetings etc. and even suggested a daily interaction of 15 to 20 minutes by the non-custodial parent with the child, the said aspect was completely overlooked by the learned Court below while passing the impugned order.

4.3. Relying on the said Judgment in ***Yashita Sahu*** (*supra*), learned Senior Counsel for the Petitioner submitted that, a child should not be deprived of the love and affection



of the natural parents. However, in the present case, the learned trial Court whimsically refused to grant the visitation right to the Petitioner merely observing that, there exists possibility of harm to the Opposite Party and her child, if the Petitioner is permitted frequent visitation.

5. Per contra, learned Counsel for the Opposite Party, also relying on the judgment in **Yashita Sahu** (supra), submitted that there is no infirmity in the impugned order passed by the learned Court below. Such an application for visitation and interaction with the infant son filed by the Petitioner, being premature, was rightly rejected by the learned Court below. That apart the learned Court below has passed a reasoned order while rejecting such prayer, which needs no interference.

6. At this juncture, this Court deems it proper to reproduce the operative portion of the impugned order dated 20.03.2025, vide which the Petitioner's application seeking visitation rights stood rejected:

*"I have already heard both the parties at length. Perused the case record. **The allegations made by the OP against the petitioner are serious in nature. There is possibility of harm to the OP and her child, if the petitioner will be allowed to frequently visit***



the child. Though the child took birth out of the relation between the husband and wife and the child is not only of the OP or the petitioner, but the allegations made by the OP are serious in nature and the welfare and development of the child at this stage is crucial. Thus, taking into account the above facts and circumstances of this case, the petition filed by the petitioner at this stage is not maintainable, as such the same stands rejected.”

(Emphasis Supplied)

7. So far as allegations against the Petitioner, which are allegedly serious in nature, for which the said Petition for visitation stood rejected by the learned Court below, it has been stated in the impugned order that, the Opposite Party-wife opposed to such prayer for visitation on the ground that criminal and domestic violence cases are pending against the Petitioner-husband and his family members for alleged attempt to kill her.

7.1. That apart, it was also opposed on the ground that on 03.12.2023, which was around 2 years before, the Petitioner-husband and his parents allegedly physically assaulted the Opposite Party-wife and dragged her on the floor, for which she felt pain in her abdomen and went to the nearby hospital for treatment. Such inhuman activity was also informed to the local Police. Immediately thereafter, she



gave birth to a male child in the hospital and the entire expenses were borne by the mother of the Opposite Party-wife.

7.2. On 15.01.2024, when the Opposite Party was holding the baby in her lap, the father of the Petitioner-husband came from outside and asked her to handover the baby to him. At that time, the father of the Petitioner had allegedly consumed alcohol. Hence, the Opposite Party-wife politely requested him to wash his face and hand for hygienic purpose. But he became furious and started abusing her in loud voice. In order to save the life of the baby, the Opposite Party-wife tried to take the baby from the father of the Petitioner-husband, who gave a push to the Opposite Party-wife and ordered her to leave the house immediately. The father of the Petitioner then handed over the baby to his wife and thereafter, he allegedly pressed the Opposite Party on the wall and twisted her right hand and threw her on the floor. He also twisted her left leg and throttled her neck to kill her.

7.3. The Opposite Party-wife immediately informed the Police of Bangalore over her mobile phone regarding the said incident. The Police came to the house of the Petitioner and



advised the Opposite Party-wife to lodge a complaint against the Petitioner and his parents before the concerned Police Station.

7.4. Thereafter, on 18.01.2024, the father of the Opposite Party-wife along with her uncle came to Bangalore and rescued her and her baby from the clutches of the Petitioner-husband and his parents with the help of the Police.

7.5. The Police advised the Opposite Party-wife to return Odisha. Accordingly, the Opposite Party-wife returned back to Odisha on 19.01.2024. Since then the Opposite Party-wife has been staying separately from the Petitioner-husband at Cuttack along with her son.

7.6. Thereafter, the Petitioner-husband and his father gave threatening to the Opposite Party-wife, her parents and relatives by sending messages causing panic in her mind that they will kidnap her baby and kill her. Therefore, the Opposite Party-wife lodged an FIR before the Mahila PS, Buxibazar, Cuttack on 28.02.2024, which has been registered as PS Case No.31 of 2024 under Sections 498(A)/354/307/34 IPC, r/w



Section 4 of the D.P. Act against the Petitioner and his parents.

8. Per contra, in the application filed under Section 151 of C.P.C for visitation rights in C.P. No.299 of 2024, it has been stated that the Petitioner and the Opposite Party got married at Cuttack on 02.04.2021. Out of their wedlock, a male child was born on 29.12.2023 at Bangalore. The entire delivery expenses were borne by the Petitioner-husband. The Opposite Party's parents did not contribute any amount towards the delivery expenses.

8.1. After solemnisation of marriage both the parties started their conjugal life at Bangalore till 18.01.2024, on which date the Opposite Party-wife unilaterally left the matrimonial home with the new-born baby without the consent/approval of the Petitioner-Husband.

8.2. After leaving the matrimonial home on 18.01.2024, the Opposite Party-wife blocked the Petitioner from all communication channels such as mobile phone, WhatsApp, Facebook etc. Though the Petitioner-husband wanted to have communication with the Opposite Party-wife, but could not do so due to the acts of the Opposite Party-wife. Thereafter, the



Petitioner was made inaccessible to his minor son, who was then only 7 months old.

8.3. He being desperate in seeing his son, besides being emotional and heartbroken, tried to reach out the Opposite Party-wife through numerous e-mails, sent to her official as well as personal e-mail IDs. Surprisingly, even though the e-mails were delivered, neither the Opposite Party-wife chose to reply to any of the said e-mails nor allowed the Petitioner-husband to have access to his son. The Petitioner-husband, being the natural father of his only son, has a legal right to see him and the law also stands in his favour. The Petitioner is also ready and willing to take care of the welfare of his son as may be required in a realistic term.

8.4. It has also been stated in the said petition that though the Petitioner-husband has filed an application for divorce on the ground of cruelty against the Opposite Party-wife, he being a sensible and caring father, has not yet filed any petition for custody of his son, though he is fully aware of his son being allegedly neglected by the Opposite Party-wife.

8.5. It is also the case of the Petitioner-husband that he learnt from different sources that the Opposite Party-wife is



travelling regularly to different places within and outside the State by leaving behind their son with her relatives, mainly her younger sister, who also stays at Cuttack, though married in a different religion.

8.6. It has also been stated in the petition that the Opposite Party-wife, before the marriage and post marriage has been visiting a psychiatrist namely, Ms. Pallavi Sahu on a regular basis, which by itself goes to indicate that the Opposite Party-wife is not in a normal state of mind. Though, being highly qualified, she was working with Union Asset Management Company Ltd. and getting a very lucrative salary, has also resigned from her job, which normally a highly qualified working wife would not have done.

8.7. That apart, it has also been alleged in the petition that the Petitioner-husband having lost all communication links with the Opposite Party-wife, had approached the CWC, Cuttack to know the whereabouts of his son. With the intervention of the CWC, Cuttack, he learnt that the Opposite Party-wife is staying in Cuttack with their baby namely,

“*****”.



8.8. Though the Petitioner is based in Bangalore for his professional gain, but he is always ready and willing to come to Cuttack and see his son as per the frequencies and time slots that may be provided by the concerned Court.

8.9. That apart, it has also been stated in the said petition that when the Petitioner-husband visits Bhubaneswar and stays with his parents, they are also very keen to see their only grandson. Hence, while allowing the said application, the visitation rights may also be given to the Petitioner as well as his parents on such terms and conditions suiting both the parties.

9. To demonstrate his eagerness to see and meet his minor son, who would be around 1 year 10 months old now, the Petitioner has annexed series of e-mails sent to the Opposite Party-wife as at Annexure-2 to the writ petition.

10. As has been detailed in the impugned order dated 20.03.2025, regarding the allegations made by the Opposite Party-wife against the Petitioner to be serious so also possibility of causing harm to the Opposite Party-wife and her child, if the Petitioner would be allowed to frequently visit the



child, seems to be based on the surmises and conjunctures so also without any materials on record to apprehend so.

10.1. Admittedly, all the alleged incidents between the Petitioner-husband and Opposite Party-wife were prior to 18.01.2024, i.e., almost around 21 months back. That apart, the FIR was lodged before the Mahila PS, Buxi Bazar, Cuttack is dated 28.02.2024 for the alleged offences under Sections 498(A)/354/307/34 IPC, read with Section 4 of the D.P. Act against the Petitioner and his parents. Thereafter, nothing was placed before the learned Court below so also before this Court to demonstrate that there is a consistent life threat to the Opposite Party-wife so also her small kid after lodging the FIR on 28.02.2024 before the Mahila PS, Buxi Bazar, Cuttack.

10.2. Further, a natural father of a child, who is desperate to see and meet his son and is fighting out a legal battle to ensure his visitation rights by knocking the door of the appropriate Court, instead of taking recourse to any illegal and improper means, can not cause any harm to his own son so also wife, as has been incorrectly apprehended by the learned Court below.



10.3. Hence, this Court is of the view that such apprehension of possibility of harm to the Opposite Party-wife and her child, if the Petitioner will be allowed to frequently visit the child, being contrary to the settled position of law, is perverse and deserves interference.

11. As both the learned Counsel for the parties, to substantiate their submission, relied on the judgment of Supreme Court in **Yashita Sahu** (supra), it would be appropriate to reproduce below the paragraph Nos.21 to 25 of the said judgment, the same being relevant for adjudication of the present lis regarding visitation rights as well as contact rights of parents.

“21. The child is the victim in custody battles. In this fight of egos and increasing acrimonious battles and litigations between two spouses, our experience shows that more often than not, the parents who otherwise love their child, present a picture as if the other spouse is a villain and he or she alone is entitled to the custody of the child. The court must therefore be very wary of what is said by each of the spouses.

22. A child, especially a child of tender years requires the love, affection, company, protection of both parents. This is not only the requirement of the child but is his/her basic human right. Just because the parents are at war with each other, does not mean that the child should be denied the care, affection, love or protection of any one of the two parents. A child is not an inanimate object which can be tossed from one parent to the other. Every separation,



every reunion may have a traumatic and psychosomatic impact on the child. Therefore, it is to be ensured that the court weighs each and every circumstance very carefully before deciding how and in what manner the custody of the child should be shared between both the parents. **Even if the custody is given to one parent, the other parent must have sufficient visitation rights to ensure that the child keeps in touch with the other parent and does not lose social, physical and psychological contact with any one of the two parents. It is only in extreme circumstances that one parent should be denied contact with the child. Reasons must be assigned if one parent is to be denied any visitation rights or contact with the child. Courts dealing with the custody matters must while deciding issues of custody clearly define the nature, manner and specifics of the visitation rights.**

23. The concept of visitation rights is not fully developed in India. Most courts while granting custody to one spouse do not pass any orders granting visitation rights to the other spouse. **As observed earlier, a child has a human right to have the love and affection of both the parents and courts must pass orders ensuring that the child is not totally deprived of the love, affection and company of one of her/his parents.**

24. Normally, if the parents are living in the same town or area, the spouse who has not been granted custody is given visitation rights over weekends only. In case the spouses are living at a distance from each other, it may not be feasible or in the interest of the child to create impediments in the education of the child by frequent breaks and, in such cases the visitation rights must be given over long weekends, breaks and holidays. In cases like the present one, where the parents are in two different continents, effort should be made to give maximum visitation rights to the parent who is denied custody.”

25. In addition to “visitation rights”, “contact rights” are also important for development of the child, specially in cases where both parents live in different States or countries. The concept of contact rights in the modern age would be contact by telephone, e-mail or in fact, we feel the best system



of contact, if available between the parties should be video calling. With the increasing availability of internet, video calling is now very common and courts dealing with the issue of custody of children must ensure that the parent who is denied custody of the child should be able to talk to her/his child as often as possible. Unless there are special circumstances to take a different view, the parent who is denied custody of the child should have the right to talk to his/her child for 5-10 minutes every day. This will help in maintaining and improving the bond between the child and the parent who is denied custody. If that bond is maintained, the child will have no difficulty in moving from one home to another during vacations or holidays. The purpose of this is, if we cannot provide one happy home with two parents to the child then let the child have the benefit of two happy homes with one parent each."

(Emphasis supplied)

12. Recently, relying on the judgment in **Yashita Sahu**(Supra), this Court in **Sanjay Sharma Vs. Dolly @ Sakhi Sharma & another**, reported in 2025 SCC OnLine Ori 3736, while emphasizing the significance of visitation rights in the light of paramount consideration of welfare of the child, set aside the impugned order passed by the learned court below, vide which the Petitioner-husband's application seeking visitation rights to meet his minor son was rejected. Paragraph 18 & 19 of the said judgment, being relevant, are extracted below:



“18. Since visitation right is an important right of either of the parents to see the children born out of their wedlock and while deciding the welfare of the child, it is not the view of one spouse alone, which has to be taken into consideration, this Court is of the view that the Court is required to decide the issue of visitation on the basis of what is in the best interest of the child. This Court is of the further view that the impugned order passed by the learned Judge, Family Court, Cuttack deserves interference.

19. Accordingly, the impugned order dated 24.03.2025 passed in I.A. No.117 of 2024, arising out of C.P. No.543 of 2024, is set aside. The matter is remitted back to the learned Judge, Family Court, Cuttack to pass appropriate order afresh in consultation with the parties so also their respective Counsels, who represent them in the proceeding in C.P. No.543 of 2024, to decide the place, frequency and time of visit so also the manner the Petitioner should meet with his son till disposal of C.P. No.543 of 2024 and other terms and conditions, as would be deem just and proper, to maintain decorum and to avoid untoward incident during such meeting of the Petitioner with his son. Learned Court below shall also put appropriate condition enabling the Petitioner to be in touch with Opposite Party No.2 telephonically or through WhatsApp communication during pendency of the C.P. No.543 of 2024. Appropriate order, in terms of the observation made above, shall be passed within three weeks hence. Till then the interim arrangement made by this Court regarding telephonic/WhatsApp Call shall continue as before.”

(Emphasis supplied)

13. Law is well settled that, in matters involving custody or visitation of a child, the welfare of the child is of the paramount consideration. A child of tender age is entitled to the love, care and companionship of both the



parents. While custody may rest with one parent, the other parent must ordinarily be given sufficient access, unless exceptional circumstances justify otherwise.

14. So far as visitation right of grandparents, as the term 'Visitation' is not defined under the Guardian and Wards Act, 1890 or the Hindu Minority and Guardianship Act, 1956, a reference to the dictionary meaning of the said term would be useful. The Black's Law Dictionary provides different concepts to the term "Visitation" and has recognized various kinds of visitation rights such as (i) visitation; (ii) grandparent visitation; (iii) restricted visitation; (iv) stepped-up visitation; and (v) supervised visitation.

15. The word '**Visitation**' is defined there with specific reference to Family Law, to a non-custodial parent's period of access to child and also termed as 'parental access' and further defined as 'parenting time', residential time. A '**grandparent's visitation**' is defined as a grandparent's Court approved access to a grandchild. Similarly, '**restricted**' and '**supervised visitation**' are defined as visitation under the orders of Court in which a



parent may visit the child or children only in the presence of some other individual and that a Court may order supervised visitation when the visiting parent is known or believed to be prone to physical abuse, sexual abuse or violence. '**Stepped-up visitation**' means a visitation under the orders of a Court for a parent who has been absent from child's life, that begins on a very limited basis and increases as the child comes to know the parent. Therefore, in legal parlance the grandparents' visitation of the child is well-recognized, as prayed in the present case.

16. In custody/guardianship matters, the Courts have to consider the welfare of the minor child, which is the paramount consideration and to ensure and safeguard family system in the country, which is fast eroding and to ensure that there is overall development of the minor child and there is proper environment and upbringing of the child and therefore, the best interests of the child are taken care.

17. In a custody battle, there can't be a straightjacket formula to be followed. In the Indian society, the grandparents form an integral part for upbringing of children and that part of affection and contribution cannot



be ignored or shelved and it is the welfare of the children which this Court is concerned. The grandparents, being ancillary part and parcel of the family, would hold the way for welfare of the child. Therefore, meeting of the grandparents with the children would also be a necessary part for upbringing, before their mind is polluted by unilateral act of any of the single parents.

18. In the present case, admittedly, the minor child as on date is at the tender age of 1 year and 10 months old (born on 29.12.2023) and therefore, the opposite party/mother can claim custody over the minor child. At the same time, apart from the natural father, the grandparents cannot be denied reasonable access/visitation rights, which will also help the child's normal development. An affectionate relationship with grandparents is recognized as beneficial for the child. It is to be pointed out at this juncture that the Petitioner-father and his parents had last seen the child “*****” on 18.01.2024, when he was only about three weeks old, when the opposite Party left Bangalore without the consent of the Petitioner-Husband due to the strained relationship between them.



19. Therefore, this Court is of the view that, in addition to the visitation right of the petitioner-father as held in **Yashita Sahu** (supra), the grandparents cannot be denied reasonable access/visitation rights, which will also help the child's normal development, as an affectionate relationship with grandparents is well recognised as beneficial for the child. That apart, this Court is also of the view that the grandparents, who have hopes on the grand son to come and inherit them one day, are also required to be given visitation rights to the child.

20. In view of the materials on record, detailed discussions made in the forgoing paragraphs, the settled position of law, so also in the absence of any such exceptional circumstances warranting denial of visitation right, this Court is of the considered view that, the learned Court below was not justified in rejecting the application of the Petitioner-husband seeking visitation right on the plea of alleged apprehension of harm to the Opposite Party-wife and the infant son without any material on record to substantiate such finding. Thus, the impugned order dated



20.03.2025 passed by the learned Judge, Family Court, Cuttack deserves interference.

21. Accordingly, the impugned order dated 20.03.2025 passed in C.P No. 299 of 2024 is set aside.

22. The prayer for visitation and interaction with the minor child namely, "*****", is allowed with the following terms.

I. Since there is an allegation and counter allegation of cruelty, it would be advisable to have a supervised visitation at High Court Mediation Centre, Aain Seva Bhawan, Cuttack, which will be nearer to the house of the Opposite Party-wife, who is at present residing at Sector-10, CDA, Cuttack.

II. Such visitation/interaction shall be twice in every calendar month.

III. The date of visitation would be normally on the 1st and 3rd Saturday of every month at 11 A.M.

IV. The 1st date of visitation is fixed to 15.11.2025 at 11 A.M. before the High Court Mediation Centre, Cuttack. The subsequent date and time of visitation shall be fixed by the Mediator in consultation with the



parties so also in terms of the observations made in Clause III above.

V. The Petitioner's parents will have the visitation right, who can meet and interact with their only grandson namely, "*****" at the High Court Mediation Centre, Cuttack along with the Petitioner on the dates fixed for visitation.

VI. Duration of such visitation/interaction shall be for about two hours i.e., from 11.00 A.M. to 1.00 P.M.

VII. On the dates of visitation, the Petitioner-father so also his parents are permitted to give gifts to the minor child, "*****".

VIII. Apart from visitation, the Petitioner and his parents are permitted to meet the child namely, "*****" on his birthday, i.e., 29th December each year, at High Court Mediation Centre, Cuttack, until the Child namely, "*****" attains the age of 5 years.

IX. If the Birthday of the child namely, "*****" or the date fixed for visitation falls on a weekly off day or public holiday, on prior intimation to the Coordinator, High Court Mediation Centre, Cuttack, whose phone



number is 9439048489 and e-mail address is cac.od-hc@od.gov.in, the date of visitation on the occasion of birthday of “*****” shall be preponed or postponed to the preceding or succeeding date, as per the convenience of the parties.

X. The Coordinator, High Court Mediation Centre, Cuttack shall make necessary arrangements for visitation/ interaction with “*****” in the creche, if any, available in the Mediation Centre or will provide a separate room for such visitation/interaction of the Petitioner and his parents with the child “*****”.

XI. The Coordinator, High Court Mediation Centre, Cuttack shall also appoint a trained female Mediator, who shall remain present throughout along with a lady Peon, during such visitation of the Petitioner so also his parents.

XII. It is made clear that the Petitioner-husband shall pay Rs.2,000/- (rupees two thousand) in cash to the Opposite Party-wife on each date of visitation enabling her to meet the conveyance and other expenses to bring the child “*****” to High Court



Mediation Centre, Cuttack. The Mediator, present during such visitation, shall ensure such payment, failing which the Petitioner so also his parents shall loose the rights of visitation, as ordered by this Court.

XIII. Apart from visitation rights, as detailed above, the Petitioner-husband so also his parents are permitted to interact with “*****” through WhatsApp video calling or any other suitable mode of Video Conferencing platform on every 2nd and 4th Saturday and Sundays, so also other holidays for about one hour, i.e., from 6.00 P.M. to 7.00 P.M.

XIV. The Petitioner shall provide a new android mobile phone with a valid SIM, which will be exclusively used for the purpose of facilitating WhatsApp video calling/interacting with the minor child namely, “*****”.

XV. The said mobile phone shall be handed over to the Opposite Party-wife before the learned Mediator on 15th November, 2025, i.e., the first date fixed for visitation.



XVI. Further, it is made clear that, the grandparents of “*****” shall also be permitted to participate during such interaction of the Petitioner with “*****” through WhatsApp group video calling.

XVII. The Petitioner and his parents shall not create any unpleasant situation at the time of exercising their visitation right so also during their interaction with “*****”, which are not at all conducive to the interest of the child, failing which they shall be debarred from spending time so also interacting with the child namely, “*****” through Video Conferencing.

XVIII. Similarly, the Opposite Party-wife shall also cooperate with the Petitioner and his parents with regard to their visitation and interaction right accorded by this Court, as detailed above, and not to create any unpleasant situation at the time of exercising such rights at High Court Mediation Centre, Cuttack, so also during their interaction with the child “*****” through WhatsApp Video Call.



XIX. Both the parties shall remain in touch with the Coordinator, High Court Mediation Centre and apprise him in advance regarding their difficulty, if any, regarding visitation so also interaction with the child namely, “*****”, as observed above, who shall

in turn apprise the said fact to this Court for variance of the aforesaid observations/terms fixed by this Court, in case so necessitated in future.

XX. In view of the provisions enshrined under Section 6(a) of the Hindu Minority and Guardianship Act, 1956, such arrangement, as detailed above, shall remain in force until the minor child namely, “*****” completes the age of five years.

XXI. After completion of five years of the child “*****”, the Petitioner shall be at liberty to move appropriate application(s) before the competent Court seeking stepped-up visitation or any other relief, in accordance with law, if so advised.

23. Accordingly, the writ petition stands allowed and disposed of. No order as to costs.



24. Office is directed to communicate operative portions of this judgment to the Coordinator, High Court Mediation Centre, Cuttack for doing the needful, as observed above.

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S.K. MISHRA, J.

Orissa High Court, Cuttack.
Dated, the 28th October, 2025/Kanhu