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CRP No. 2668 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 2668 of 2025 and
CMP.No.15082 of 2025**

M. Koushikaa
D/o. Murugesan,
71, A1, East Street, Komarapalayam,
Namakkal District.

..Petitioner(s)

Vs

Arun Prasath
S/o. S.R. Subramaniam,
15, Ram Lakshman Nagar,
Sowripalayam Post,
Coimbatore District.

..Respondent(s)

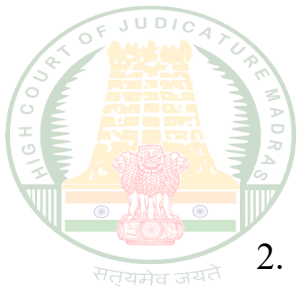
Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and decretal order dated 22.11.2024 made in I.A No.3 of 2023 in H.M.O.P No.5 of 2022 on the file of the learned. Principal Sub Court, Erode by allowing this CRP.

For Petitioner(s): Mr.N.Manoharan

For Respondent(s): Mr.U.Saimani

ORDER

This Civil Revision Petition has been filed challenging the order dated 22.11.2024, passed by the learned Principal Sub Court, Erode in I.A.No.3 of 2023 in H.M.O.P.No.5 of 2022.



2. The petitioner is the wife and the respondent is her husband. H.M.O.P.No.5 of 2022 has been filed by the respondent seeking for dissolution of his marriage with the petitioner. During the pendency of H.M.O.P.No.5 of 2022, I.A.No.3 of 2023 was filed by the respondent seeking for grant of visitation rights to visit the child born out of the wedlock between the respondent and the petitioner. Under the impugned order dated 22.11.2024, I.A.No.3 of 2023 has been disposed of by the Trial Court by granting visitation rights to the respondent to visit the child between 11.00 A.M. and 12.00 P.M. at the ADR building on every 1st Saturday of every month. The petitioner is aggrieved by the impugned order and has filed this Civil Revision Petition.

3. According to the petitioner, the respondent is having an extramarital affair with another woman and if visitation rights is granted, the child will suffer mentally and physically. However, the learned counsel for the respondent disputes the contention of the petitioner.

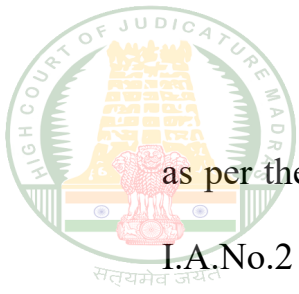
4. On the other hand, the learned counsel for the petitioner would submit that in the Facebook account of the respondent, the picture of the respondent with a woman with whom the respondent is having an extramarital affair has been uploaded. Therefore, he would submit that the impugned order granting visitation rights to the respondent is unsustainable. Learned counsel for the



petitioner would also submit that till date, the respondent has also not settled the arrears of interim maintenance payable to the petitioner as directed by the Court below through its order dated 20.04.2026 passed in I.A.No.2 of 2023. He would further submit that right from the date of birth of the child, the respondent had not seen the petitioner. He would submit that the child is now 6 years old and she does not have knowledge about her father. Therefore according to her, if the impugned order is implemented, it will be detrimental to the interest of the child.

5. Under the impugned order, the Court below has only granted visitation rights for the respondent only from 11.00 A.M. to 12.00 P.M. on every 1st Saturday that too only in a public place viz., ADR building at Erode. The Court has also not prevented the petitioner (mother) from being present, when the respondent (husband) is allowed to spend time with the child. But however the respondent will have to first comply with the directions issued by the Principal Sub Court, Erode with regard to interim maintenance payable by him to the petitioner and his child as per the order dated 20.04.2026 passed in I.A.No.2 of 2023.

6. Admittedly as on date, arrears of maintenance amount payable to the petitioner and her child has not been paid by the respondent and there is an arrears of Rs.8,25,000/- still due and payable by the respondent to the petitioner



as per the order dated 20.04.2026 passed by the Principal Sub Court, Erode in I.A.No.2 of 2023.

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7. The learned counsel for the respondent on instructions would submit that the respondent is willing to comply with the directions issued by the Principal Sub Court, Erode on 20.04.2026 in I.A.No.2/2023. Certainly, the respondent will have to comply with the directions issued by the Principal Sub Court, Erode in I.A.No.2 of 2023. Only thereafter, the question of directing the petitioner in this Civil Revision Petition to comply with the visitation rights granted to the respondent by the order of the Principal Sub Court, Erode on 22.11.2024 in I.A.No.3 of 2023 in H.M.O.P.No.5 of 2022 can be directed to be complied with.

8. Being the father and that too under the visitation rights order, the father has been permitted to visit his child only in a public place i.e., ADR Building, Erode, this Court is not inclined to interfere with the impugned order as it cannot be said that the impugned is unjustified. But however, the direction issued by the Principal Sub Court, Erode on 20.04 2006 in I.A.No.2 of 2023, has to be necessarily complied with by the respondent in this Civil Revision Petition, within the time frame to be fixed by this Court. To show the bonafides of the respondent in this Civil Revision Petition, the respondent will have to pay arrears of interim maintenance payable by the respondents to the petitioner and



the child amounting to Rs.8,25,000/- within the period of **two weeks** from today.

Only on payment of the said amount within the stipulated time fixed by this

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Court, the respondent shall be permitted to have the visitation rights as granted by the Principal Sub Court, Erode on 22.11.2024 in I.A.No. 3 of 2023 in H.M.O.P.No.5 of 2022 and failure to comply on the part of the respondent to pay the aforesaid sum as fixed by the Principal Sub Court, Erode in I.A.No.2 of 2023 by its order dated 20.04.2026, within a period of **two weeks** from today, this Civil Revision Petition shall stand automatically allowed. It is made clear that the respondent shall continue to pay the interim maintenance amount as fixed by the Principal Subordinate Court, Erode in I.A.No.2 of 2023 by its order dated 20.04.2026 without committing any default and if default is committed, the respondent is not entitled for visitation rights as per the order dated 22.11.2024 in I.A.No.3 of 2023.

Accordingly, this Civil Revision Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

09-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Principal Sub Court, Erode.



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ABDUL QUDDHOSE, J.

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