

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P.[PD] No.534 of 2014
and M.P.No.1 of 2014

M.P.Muthuraj

... Petitioner

Vs

J.Bala

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order 30.10.2013 in memo dated 19.12.2012 in I.A.No.359 of 2012 in G.O.P.No.60 of 2012 on the file of the I Additional District Judge, Salem.

For Petitioner : Mr.N.Chinnaraj
For Respondent : Mr.D.Shivakumaran

ORDER

Heard both sides. Materials available are also perused.

2. No order has been passed in the application seeking interim custody of the child. The respondent merely wanted to extend a concession by filing a memo that the petitioner could be granted a visitation right to visit the child at a particular time once in a month. But, that memo was also withdrawn. Thereafter, instead of arguing the application and seeking an order on merit, the petitioner seems to have

insisted upon the Court to modify the timing of the visit conceded by the respondent, as if there was an order passed by the trial Court giving such visitation right. When such an application was made, the learned trial Judge, made it clear that no order granting interim custody or interim visitation right was passed and the application for interim custody of the child is still pending and that order will be passed only after hearing both sides in the application. Without waiting for the same, the petitioner has chosen to approach this Court, with the present revision. Hence, the revision cannot be entertained and the same deserves to be dismissed.

3. Accordingly, the revision petition is dismissed. The petitioner shall approach the trial Court and seek an order on merit in the application seeking interim custody of the child. No costs. Consequently, the connected Miscellaneous Petition is closed.

31.03.2016

Index : Yes/No
Internet : Yes/No

gya

To
The I Additional District Judge,
Salem.

P.R.SHIVAKUMAR, J.

gya

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