

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1812 of 2016
and
C.M.P.No.9481 of 2016

R.Vinithra
W/o.K.Santhosh Kumar

... Petitioner

vs

K.Santhosh Kumar
S/o.S.Kanagaraj

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned Additional Principal Judge, Family Court, Coimbatore, passed in I.A.No.300 of 2015 in H.M.O.P.No.1412 of 2014 on 19.05.2016.

For Petitioner : Mr.P.L.Narayanan
for Mr.R.Subrmanian

For Respondent : Mr.S.Silambanan, senior counsel
for Mrs.C.Uma

ORDER

This revision arises against the order of learned Additional Principal Judge, Family Court, Coimbatore, passed in I.A.No.300 of 2015 in H.M.O.P.No.1412 of 2014 on 19.05.2016.

2. Respondent/husband has filed H.M.O.P.No.1412 of 2014 on the file of learned Additional Principal Judge, Family Court, Coimbatore, seeking divorce. Respondent/husband has filed I.A.No.300 of 2015 seeking interim custody of the child on every weekend and half of the vacation. The Court below, under the impugned order, allowed such application and directed custody of the child with the respondent/husband on every week end i.e. between 10.00 a.m. on Saturday and 07.00 p.m. on Sunday. Aggrieved, petitioner/wife has filed the present revision.

3. Heard learned counsel for petitioner and learned senior counsel for respondent.

4. Learned counsel on either side inform that the child has exhibited much reluctance in accompanying his father and directions as issued by this

Court on 02.08.2016 became incapable of compliance. Both learned counsel fairly submit that the welfare of the child is paramount. Though it is to be expected that one spouse would blame the other, both counsel fairly have not made any such submission before this Court. In the circumstances, it would be appropriate to treat I.A.No.300 of 2015 in H.M.O.P.No.1412 of 2014 on the file of learned Additional Principal Judge, Family Court, Coimbatore, as closed. Taking note of the submissions of learned counsel on either side, this Court would direct learned Additional Principal Judge, Family Court, Coimbatore, to dispose of H.M.O.P.No.1412 of 2014 as expeditiously as possible, in any event, within a period of six months from the date of receipt of this order.

The Civil Revision Petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

18.08.2016

Index:yes/no
Internet:yes
gm

To
The Additional Principal Judge,
Family Court,
Coimbatore.

C.T.SELVAM, J

gm

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