



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.07.2016

CORAM:

WEB COPY THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

&

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P.(PD) (MD)No.1006 of 2016 & C.M.P(MD)No.4991 of 2016

A.Nagaraj :Petitioner/Respondent/Respondent

-Vs-

K.Pandilakshmi :Respondent/Petitioner/Petitioner

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India as against the order passed by the learned Family Judge, Madurai, in I.A.No.1 of 2016 in H.M.O.P.No.952 of 2015 vide his order dated 14.03.2016 and to set aside the same.

For Petitioner :No Appearance

O R D E R

(Order of the Court was delivered by **NOOTY.RAMAMOHANA RAO,J.**)

Though the learned Counsel Mr.P.Samuel Gunasingh entered appearance on behalf of the petitioner, there was no representation when the name of the petitioner in the revision is called.

2. We have perused the records. This revision is preferred against the interlocutory order passed by the Family Court on 14.03.2016, in I.A.No.1 of 2016 in H.M.O.P.No.952 of 2015. The petitioner in the revision is husband and the respondent is his wife. It is their case that they fell in love with each other and then got married on 09.06.2004, and two children were born out of their wedlock. While the petitioner herein is stated to have been employed in the Transport Department as a Conductor and the respondent- wife is employed in an Educational Institution in Mathematics Department. Taking a comprehensive view of the matter and also keeping in view of the age of



the two children and also taking into consideration the fact that the respondent-wife perhaps can better take care of welfare of two minor children, the Family Court exercised its discretion and ordered interim custody of the two minor children to the respondent-wife.

3. Since the family Court, while passing interlocutory order, has properly balanced all the factors and passed an order, which shall be in the best interest of the two minor children and since it is the primary obligation of this Court to protect the welfare and well being of the minor children, we see no reasons to interfere with the said order. Consequently, this revision fails and it is dismissed, but however without costs. It is needless to observe that this order is not to be construed as reflection on merits or the lack of it in the claim, and only when the matter is taken up for adjudication, the observations are made by us only for the sake of disposing of the present revision.

Sd/
Assistant Registrar(AE)

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Sub Assistant Registrar

To

The Judge, Family Court,
Madurai.

C.R.P. (PD) (MD) .No.1006 of 2016
15.07.2016

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