

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.3415 of 2016

D.Jayakumari
Petitioner

..

Vs.

A.Murugan

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 21.04.2016 passed in I.A.No.897 of 2015 in H.M.O.P.No.22 of 2010 on the file of the Additional Principal Family Judge, Coimbatore.

For Petitioner : Mr.I.Abrar MD Abdullah

For Respondent : Mr.S.Venkatesh

O R D E R

This Civil Revision Petition has been filed against the fair and decretal order dated 21.04.2016 passed in I.A.No.897 of 2015 in H.M.O.P.No.22 of 2010 on the file of the Additional Principal Family Judge, Coimbatore.

2. The petitioner is the wife and respondent is the husband. The Respondent filed H.M.O.P.No.22 of 2010 on the file of the Family Court, Coimbatore against the petitioner, for divorce on the ground of cruelty. The petitioner filed counter statement and is contesting the H.M.O.P.

3. The petitioner filed I.A.No.314 of 2015 under Section 24 of the Hindu Marriage Act, 1955 against the respondent claiming interim maintenance of Rs.15,000/- per month for minor daughter Vishrutha and for Rs.10,000/- towards litigation expenses. The respondent filed counter statement and contesting the petition. The respondent filed I.A.No.897/2015 under Section 26 of Hindu Marriage Act, for custody of minor child, namely M.Vishrutha to the respondent to take the custody on the ground that the petitioner is finding it very difficulty to maintain the minor child and he will take the custody of the child and maintain properly.

4. The petitioner filed counter affidavit making various allegations against the respondent including adultery.

5. The learned Judge, considering the averments made in the

counter statement and materials available on record, held that the respondent filed I.A.No.897/2015 for custody of minor child only when the petitioner filed application for maintenance of the child and not out of love and affection. At the same time, the learned Judge has held that the minor child must have love and affection of the father also and granted visitation rights to the respondent and the petitioner was directed to produce the child before the Court on every date of hearing in HMOP No.22 of 2010 during working hours.

6. Against the order made in IA No.897 of 2015 dated 21.04.2016, the present Civil Revision Petition is filed by the petitioner.

7. Heard both sides and perused the materials available on record.

8. From the materials available on record it is seen that, both parties are making allegations against each other. Without deciding various allegations made by parties, considering the contention of the learned counsel for the petitioner that the minor

child is studying in a school and it will affect the studies, if she produces the

V.M.VELUMANI,J.

jv/av

child in the Court on all the hearing dates, this court, modify the impugned order of the learned Judge, directing the petitioner to hand over the minor child to the respondent on the first Sunday of every month at 10 a.m. at the petitioner's residence and direct the respondent to return back the minor child 1.00 p.m. to the petitioner at her residence without fail.

9. With the above modification, the Civil Revision Petition is disposed of. The learned Judge is directed to dispose the I.A.No.314 of 2015, for maintenance within one month and to dispose the H.M.O.P. No.22 of 2010, on merits and in accordance with law, as expeditiously as possible and in any event, not later than six months. No costs.

19.06.2017

Index :Yes/No
jv/av
To

The Additional Principal Family Judge
Coimbatore

C.R.P.(PD)No.3415 of 2016

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