



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.09.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.M.A. (MD) No.1355 of 2016

and

C.M.P. (MD) Nos.11337,11338 and 11459 of 2016

Dr.Somasundaram ... Appellant/Respondent/Petitioner

Vs.

Dr.Vaishnavi ... Respondent/Petitioner/ Respondent

Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, praying to set aside the Fair and Decreetal order passed by the Family Court, Tirunelveli, in I.A.No.294 of 2015 in H.M.O.P.No.179/2015 on 20.10.2015.

For Appellant : Mr.T.S.R.Venkataramana

For Respondent : Mr.K.Rajeswaran

JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J**)

Though this Civil Miscellaneous Appeal has been preferred against the order passed in I.A.No.294 of 2015 in H.M.O.P.No.179/2015 dated 20.10.2015, by the Family Court, Tirunelveli, the learned counsel appearing for the appellant would submit that this Civil Miscellaneous Appeal will not be pressed, provided the minor child born out of the wedlock is given custody for a period of two full days twice in a year as and when appellant comes to India.

2.The learned counsel for the respondent would also submit that the said methodology can be adopted in the event of appellant not pressing the appeal. He would further submit that education of the child will have to be taken into account.

3.Accordingly, the following order is passed:

(i) The Civil Miscellaneous Appeal stands dismissed as not pressed.

<https://hcservices.ecourts.gov.in/hcservices/>

(ii) Resultantly divorce granted in H.M.O.P.No.179 of 2015 on the file of the Family Court, Tirunelveli stands confirmed.



(iii) The appellant shall inform the respondent about his arrival one week prior to it.

(iv) After knowing the arrival of the appellant at his residence in Tirunelveli, the respondent shall hand over the child to him during the week end for two days.

(v) After the child will be handed over, the appellant shall have the interim custody of the child for the aforesaid period. After expiry of two days mentioned above, the appellant has to hand over the custody of the child on the third day morning at about 7.30 a.m. to the respondent.

(vi) This arrangement can be made twice in a year, subject to the appellant complying with the other conditions.

(vii) However, it is made clear that in the event of difficulty from the point of view of the child, the parties are at liberty to seek modification of the order.

(viii) The deposit of Rs.500/- made by the appellant shall be given to the Legal Aid Services Authority, Tirunelveli.

No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Judge, Family Court,
Tirunelveli.

+1cc to Mr.T.S.R.Venkataramana, Advocate Sr.No.79572

+1cc to Mr.K.Rajeswaran, Advocate Sr.No.79544

SJ

VB/MR/KKR/SAR4/04/10/2017/2P/4C

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