

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CRP.PD.No.1464 of 2018

and

CMP.No.7803 of 2018

A.Felix Raj

.. Petitioner

Vs

J.Sujatha @ Maria Linet Sujatha

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 15.02.2018 made in I.A.No.2846 of 2016 on the file of the IV Additional Judge, Family Court, Chennai in O.P.No.3261 of 2016 .

For Petitioner : Mr.G.V.Sridharan

ORDER

This Civil Revision Petition has been filed to set aside fair and decretal order dated 15.02.2018 made in I.A.No.2846 of 2016 in O.P.No.3261 of 2016 on the file of the IV Additional Judge, Family Court, Chennai .

2. The respondent in I.D.O.P.No.3261 of 2016 on the file of the IV

Additional Principal Court, Chennai, is the revision petitioner herein.

3. According to the petitioner, the respondent has filed the petition in I.D.O.P.No.3261 of 2016 seeking divorce against the respondent. In the aforesaid petition, the petitioner filed an application in I.A.No.2846 of 2016 to grant , a week end custody of son viz., Benedict Felix on Saturday and Sunday to the petitioner. After hearing both sides, the trial Court has allowed the application and directing the petitioner shall have the visitation right over his son viz., Benedict Felix twice in a month i.e. on every 1st and 3rd Saturday from 12.00 p.m. to 2.00 p.m. at Child Care Centre attached to Family Court, Chennai and the respondent was directed to bring the child to the said Centre on the above said dates. The trial Court has found that since the age of the son of the petitioner is only five years, he is in custody of the respondent/mother. Therefore, granted visitation rights to the respondent herein during the first and third week of Saturday from 12.00 p.m. to 2.00 p.m., at Child Care Centre, attached to Family Court, Chennai. Feeling aggrieved against the said order, the petitioner has filed the present civil revision petition before this Court.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. On a perusal of the records, it is seen that the petitioner is the

father of the minor and respondent is the mother of the child. The age of the child is only five years at the time of filing the interlocutory application. Now both the petitioner and respondent are living separately from November 2015 onwards.

6. Considering the facts and circumstances of this case, since the age of the child is only five years, he is in custody of the mother/respondent herein, even the revision petitioner asked custody of the child only for two days. But the age of the child is only five years. Hence, the trial Court has rightly given the visitation rights only for alternative weeks two hours for 2 days. There is no illegality of infirmity in the order passed by the Trial Court.

7. In view of the above, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

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27.04.2018

Index : yes/No

Internet : yes/No

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P.VELMURUGAN,J.

kkd

To

IV Additional Judge,
Family Court, Chennai.



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