

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.07.2018
CORAM:

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

CRP(PD) No. 1558 of 2018

Abdul Samad

... Petitioner

Vs.

B.M. Fathima Sogra

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order passed in I.A.No.675 of 2016 in G.W.O.P.No.79 of 2016 vide order dated 22.12.2017 pending on the file of the Family Court Judge, Vellore District.

For Petitioner : Mr.M. Sathish Kumar
For Respondent : Mr.R. Ganesh Kumar

O R D E R

The petitioner has filed the Interlocutory Application in I.A.No.675 of 2016 in G.W.O.P.No.79 of 2016 on the file of the Family Court, dated 22.12.2017 to direct the respondent to show the minor child in the house of the respondent once in a week and allow to spend one day with them.

2. The learned counsel for the petitioner would submit that the petitioner has not assigned any reason and the Interlocutory Application in I.A.No.675 of 2016 was closed, since enquiry in the main petition is not proceeded. Being aggrieved by the order passed by the trial court, the present petitioner has filed the revision petition.

3. The learned counsel for the respondent submitted that the main G.W.O.P.No.79 of 2016 itself is only for the custody and visitation rights and since the petitioner is not ready to commence the enquiry, the Interlocutory Application was closed by the Family Court. Now, PW1 was examined and GWOP was posted for cross-examination. Since the main G.W.O.P.No.79 of 2016 itself is only for custody and visitation rights, and as the enquiry has commenced in the original petition, and parties have made allegations against each other and therefore, whether the petitioner is entitled to custody and visitation rights, has to be decided only after completion of the enquiry. Therefore, there is no perversity in the impugned order passed by the trial court. This GWOP.No.79 of 2016 is a summary procedure.

4. The trial court is directed to dispose of the G.W.O.P.No.79 of 2016 on the file of the learned Family Court Judge, Vellore District, within two months from the date of receipt of a copy of this order. Both the respective learned counsel are directed to co-operate for the speedy disposal of the case.

5. Accordingly, the Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-V)

// True Copy//

Sub Assistant Registrar

To

The Family Court Judge,
Vellore District.

+1cc to Mr.M.Sathish KUMar, Advocate SR.No.44428

+1cc to Mr.R.Ganesh Kumar, Advocate SR.No.43999

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SMI/10.08.2018

सत्यमेव जयते

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