

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:05.06.2018

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

**CRP(PD)No.1696 of 2018
and
C.M.P.No.9327 of 2018**

M.S.Bhavani

.. Petitioner

Vs.

S.Rajesh Kannan

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 02.04.2018 made in I.A.No.102 of 2018 in O.P.No.109 of 2017, on the file of the Family Court, Chengalpattu.

For Petitioner :Mr.C.R.Rukmani

For Respondent :Mr.M.Suresh

ORDER

This Civil Revision Petition has been filed by the petitioner/wife to set aside the fair and decreetal order dated 02.04.2018 made in I.A.No.102 of 2018 in F.C.O.P.No.109 of 2017, on the file of the Family Court, Chengalpattu.

2. The petitioner/wife herein is the respondent and the respondent/husband herein is the petitioner in F.C.O.P.No.109 of 2017 on the file of the Family Court, Chengalpet.

3. The respondent/husband filed the said O.P. under Section 13(i-a) of the Hindu Marriage Act, 1955 against the respondent/wife seeking divorce by dissolving the marriage solemnized between the petitioner and the respondent on 09.09.2013. Pending O.P., respondent/husband filed application in I.A.No.102 of 2018 under Section 26 of the Hindu Marriage Act, 1955 read with Section 151 CPC to grant visitation rights to the petitioner to visit his child viz., "Pragadeshwaran" aged about 2 years on second Saturday of every month from 10.00 a.m. to 5.00 p.m at common place. The learned Family Court Judge, after considering the material available on record and the submissions made by the learned counsel for both sides, allowed the said application by order dated 02.04.2018 permitting the respondent herein to visit the child viz., "Pragadeshwaran" in the presence of the petitioner in a public place, near the home of the petitioner herein on first and third Sundays of every month from 9.00 a.m. to 05.00 p.m. and thereafter, hand over the child to the petitioner till the disposal of the Original Petition. Aggrieved by the said order, the present civil revision petition has been filed by the petitioner.

4.The learned counsel for the petitioner submitted that the learned Family Court Judge without considering the averments made in counter, erroneously passed the order granting visitation rights to the respondent permitting the respondent to visit the child viz., "Pragadeshwaran" in the presence of the petitioner in a public place, on first and third Sundays of every month from 9.00 a.m. to 05.00 p.m.

5.The learned counsel for the petitioner further submitted that the petitioner/wife is unwilling to give the child at public place to the respondent. Instead of that, she has no objection for the respondent to visit the child at her residence and she is ready to extent with all hospitalities to the respondent while visiting their child at the residence of the petitioner.

6.Heard the learned counsel for both sides and perused the materials available on record.

7.Considering the submissions made by the learned counsel for the petitioner, this Court is inclined to pass the following order:

"(i)The respondent is permitted to visit the child viz., "Pragadeshwaran" at the

residence of the petitioner instead of public place.

(ii) Except the said modification, the other portions of the order passed by the learned Family Judge, Chengalpattu remain unaltered.

(iii) The impugned order dated 02.04.2018 is modified accordingly."

(iv) The civil revision petition is disposed of accordingly. No costs.

(v) Consequently connected miscellaneous petition is closed.

12.06.2018

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Index:yes/No

Speaking Order:Yes/No

To

The Family Judge,
Chengalpattu.

P.VELMURUGAN, J.

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