

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :23.07.2018

Coram

The Honourable Mr.Justice M.M.SUNDRESH  
and

The Honourable Mr.Justice N.ANAND VENKATESH

O.S.A. No.263 and 264 of 2017

S.Sakthivel

S/o Dr.R.Sundaravadivelu,

Flat 10H, Block 2, Ramaniyam Sanjivini,

72/1, Dr.Muthulakshmi Salai, L.B.Road,

Thiruvanmiyur, Chennai-600 041. .... Appellant in both OSA

Vs.

Abirami Kalyanasundaram

D/o Kalayanasundaram,

No.L-1, Rohini Gardens,

Santhome High Road,

Raja Annamalaipuram,

Chennai-600 028. .... Respondent In both OSA

Original Side Appeals are filed under Order XXXVI Rule 9 of the Original Side Rules read with Clause 15 of the Letters Patent against the order and decretal order dated 07.07.2017 made in Application Nos.1034 of 2016 and 1958 of 2017 in O.P.No.860 of 2016.

Appln.No.1034 of 2016:

Original Application praying this Court pleased to pass an order of interim injunction restraining the respondent from taking the minor child -Shivdevan, outside his residence of L1, Rohini Gardens, Santhome High Road, Raja Annamalaipuram, Chennai -600 028 pending disposal of OP.No.860 of 2016.

Appln No.1958 of 2017:

Application praying this Court be pleased to grant visitation rights permitting applicant to take his minor son Master Shivdevan on Friday evening every week and drop the child back with the respondent on Sunday eveing of this week till disposal of the above of.

For Appellant : Mr.S.V.Jayaraman, S.C., for  
Mr.V.S.Mannarsamy

For Respondent : Mr.K.Raja

COMMON JUDGMENT

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

These two appeals have been filed against the interim order dated 07.07.2017 passed in Application Nos.1034 of 2016 and 1958 of 2017 in O.P.No.860 of 2016 by the learned single Judge qua the custody.

2. On an earlier point of time, this Court has passed an order on the statement made by the appellant. It appears that the aforesaid order has been complied with only in part.

3. The learned Senior Counsel appearing for the appellant would submit that at this stage, some visitation right can be granted to the appellant.

4. The learned counsel appearing for the respondent would submit that the child is in the custody of the respondent for quite some time. It is further submitted that even the earlier order passed by this Court has not been complied with. The maintenance of the child would involve heavy expenditure as shown in the affidavit filed.

5. We are concerned with the interest of the child. The learned single Judge has rejected the case of the appellant in toto. Considering the status of the appellant, we deem it fit to grant visitation right to the appellant, so that the relationship would improve in future. This is subject to the compliance to be made by him. Accordingly, a direction is issued to the respondent to permit the appellant to have the visitation right of the child during Saturday in every fortnight between 11.00 a.m. and 3.00 p.m. The venue is at Phoenix Mall, Velacherry, Chennai, and the child can be accommodated by the respondent. This is subject to the condition that the appellant pays a sum of Rs.35,000/- (Rupees thirty five thousand only) towards the maintenance expenses of the child every month. The said payment shall be made on or before 7<sup>th</sup> of every month. The appeals stand disposed of. Accordingly, liberty is given to the parties to file appropriate application before the learned single Judge for further directions. No costs.

Sd/-

Assistant Registrar(CS V)

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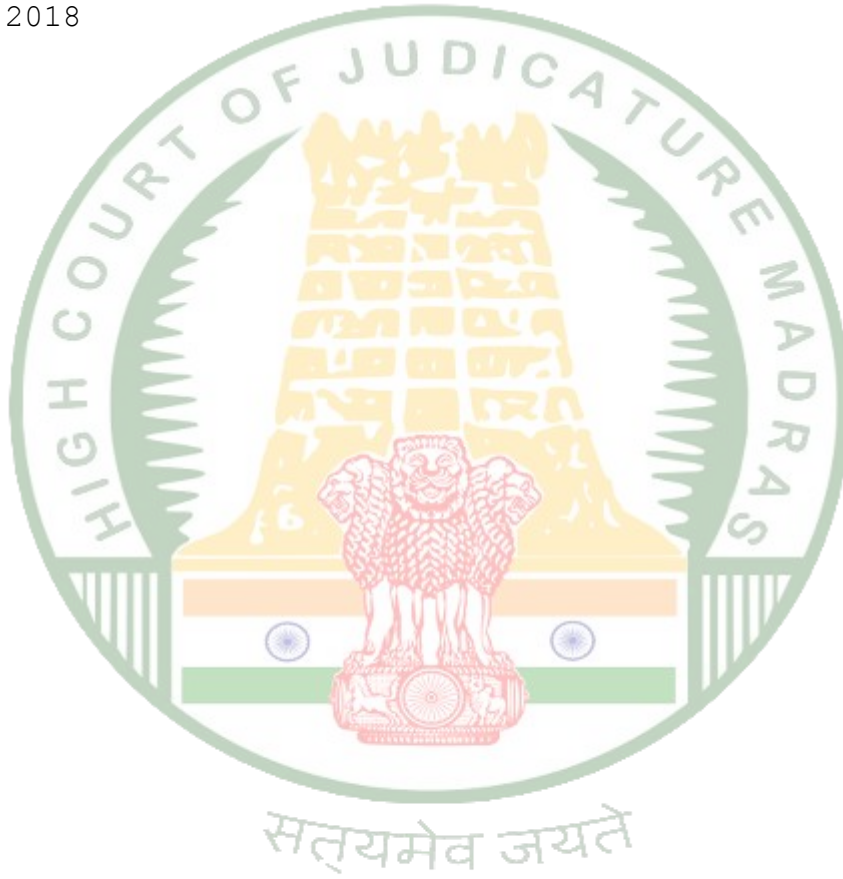
Sub Assistant Registrar

To  
The Sub Assistant Registrar,  
Original Side, High Court, Madras.

+2 cc to M/s.Tamilselvi Devados, Advocate, S.R.No.49171  
+1cc to Mr.K.Raja, Advocate, S.R.No.49047

O.S.A.No.263 & 264 of 2017

NM(CO)  
SMI/07.08.2018



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