

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

C.R.P.(PD)No. 228 of 2018
and
C.M.P.No.1329 of 2018

Flora ... Petitioner
Vs
Anand Christy ... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the impugned orders dated 04.12.2017 in I.A.No.102 of 2017 in G.O.P.No.20 of 2016 on the file of the learned Family Court at Pondicherry.

For Petitioner : Mr.S. Subramanian

For Respondents : Mr.R.Mugundhan

ORDER

Being aggrieved against the visitation right granted to the father/respondent to visit the minor girl child once a week in a public place, the present Civil Revision Petition has been filed.

2. The only point canvassed before this Court by the learned counsel for the petitioner is that on the last occasion, when the child was presented before the Family Court, the child started screaming when she was asked to go to her father. In view of the same, the learned counsel for the petitioner would submit that the welfare of the child is of paramount consideration. Since, the minor child is hesitating to go to her father, the order granting visitation rights requires to be set aside.

3. The learned counsel for the respondent on the other hand submitted that when the parents of the minor child had separated, the child was only one year and two months old and thereafter, the respondent did not have any opportunity to visit the child. In view of the long gap and also taking into consideration, the child saw her father when she was an infant, an opportunity has to be provided to both of them to develop their relationship. Hence, the learned counsel submitted that the Civil Revision Petition has not required any consideration.

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4. As pointed out by the learned counsel for the respondent, the child was just one year and two months when she had last seen her father. As such, under any circumstances, it cannot be expected that the child would immediately reconcile and shower love and affection on her father. The paramount welfare of the child is no doubt important but the relationship of the daughter and father should never be affected in any manner, in view of the estrangement between the petitioner and the respondent herein.

5. I do not find any infirmity on the findings of the learned Family Court Judge in observing that as a father, he has a right to visit his minor child. As a matter of fact, the learned Family Court Judge was right in making such observations, thereby trying to reconcile the relationship between the father and his daughter.

6. At this juncture, this Court would feel it appropriate to observe that the learned Family Court Judge should endeavour to create a more comfortable situation to the child to meet her father and if required, the child can also be subjected to counselling through specialised child counsellors. In any event, there is no infirmity in the order passed by the learned Family Court Judge and as such, I do not find any infirmity with the same.

7. Hence, the Civil Revision Petition stands dismissed. No costs.
Consequently, the connected miscellaneous petition is also closed.

18.12.2018

Index:Yes/No

Internet: Yes/No

rli/dp

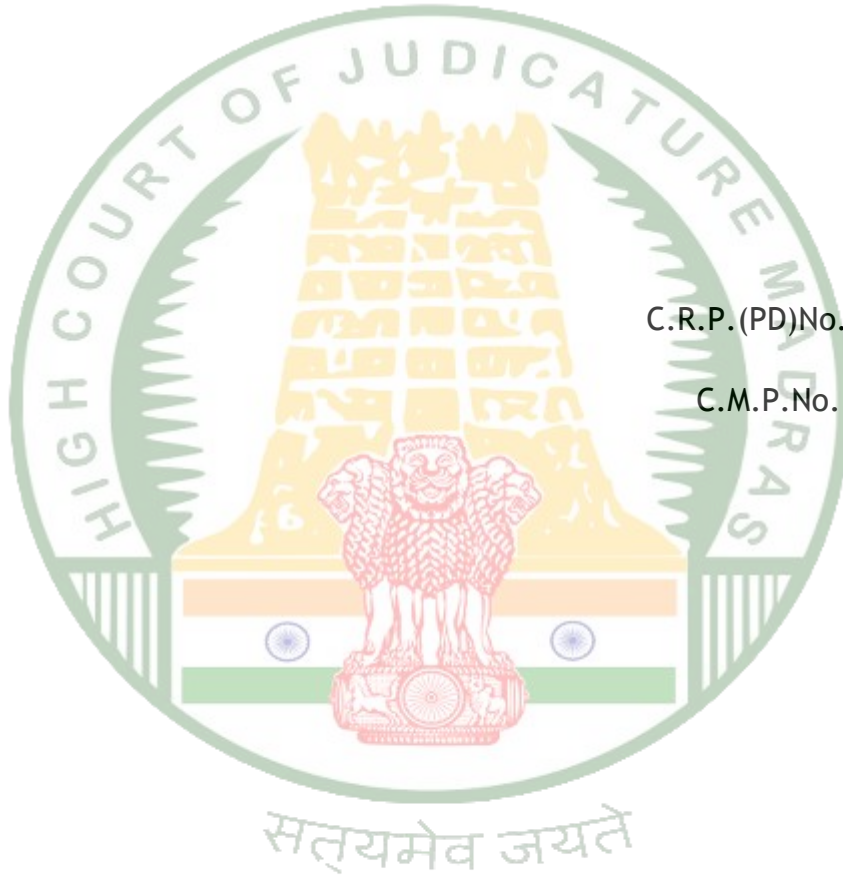
To

The Family Court, Pondicherry.

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M.S.RAMESH.J.

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