



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)No.1348 of 2018 (PD)
and
CMP(MD)No.5875 of 2018

A.Gopalan (died)

G.Padmavathi

... Petitioner

Vs.

B.Tharashankar

... Respondent

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A No.39 of 2016 in G.O.P.No.179 of 2015 dated 23.11.2017 on the file of the learned Principal District Judge, Thanjavur.

For Petitioner : Mr.K.K.Ramakrishnan

For Respondent : Mr.P.Sesubalan Raja

ORDER

The respondent herein filed G.O.P No.179 of 2015 before the Principal District Judge, Thanjavur seeking custody and guardianship of the minor children born to him through his wife Kavitha. The said Kavitha passed away on 12.09.2015. It is said to be a case of suicide by hanging. In this regard, the respondent herein is facing criminal prosecution. The children are witnesses for the prosecution in the said criminal case. The respondent filed I.A No.39 of 2016 before the court below seeking visitation rights. The court below had allowed the same by order dated 23.11.2017. The same is questioned in this civil revision petition.

2.Heard the learned counsel on either side.

3.This Court also had an interaction with the children. This Court is of the view that since the children are witnesses for the prosecution against the respondent, it will not be appropriate to grant visitation rights. In this view of the matter, the order impugned in this civil revision petition is set aside. This civil revision petition is allowed. It is made clear that the prosecution against the respondent will go on independently totally



uninfluenced by any of the observations made in this order. It shall not be even looked into or relied upon by the criminal court. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-I)

Sub Assistant Registrar (CS-IV)

To

The Principal District Judge,
Thanjavur.

+1CC to Mr.K.K.Ramakrishnan, Advocate, SR.No.83273

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SKM

ES/SKN/RSK/SAR 4/10.10.2018/2P/3C