



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty First day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and
The Hon`ble Mr.Justice C.SARAVANAN

CMP(MD) No.12183 of 2018

IN

CMA(MD) No.1183 of 2018

Z.STEFI GRACE @ SONY

... PETITIONER/APPELLANT

Vs

M.FRANSLIN RAJA @ FRANSLIN SAHAYA M.SATHISH

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the operation of the order dated 30.08.2018 made in I.D.O.P.No.195 of 2018 on the file of the District Judge, Family Court, Kanyakumari Division at Nagercoil in respect of visitation right and custody of child given to the respondent during vacation, pending disposal of the above C.M.A. and thus render justice.

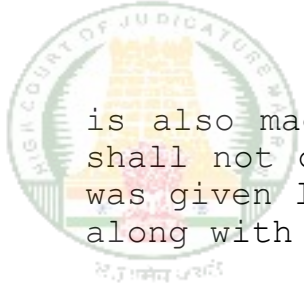
Prayer in CMA(MD). 1183/ 2018 :

To set aside the order dated 30.08.2018 made in I.D.O.P.No.195 of 2018 on the file of the District Judge, Family Court, Kanyakumari Division at Nagercoil with regard to visitation right and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.G.T.SUBRAMANIAN, Advocate for the petitioner and of MR.A.SIVAJI, Advocate on behalf of the Respondent, the court made the following order:-

(order of the Court was made by S.S.SUNDAR, J.)

The civil miscellaneous appeal is directed only against the portion of the order granting visitation rights to the husband. The Family Court while granting decree for divorce has granted visiting rights to the husband saying that the husband is permitted to visit his minor son on every 2nd and 4th Sunday on any one of the places admitted by both parties and the respondent is permitted to take custody of the minor son for 10 days during vacation holidays. It



is also made clear by the Family Court that the respondent husband shall not disturb or disrupt the education of minor. The respondent was given liberty to share the educational expenses of the minor son along with the petitioner wife.

2. Having regard to the facts of the case, We are not inclined to grant any interim order staying the portion of the order of the Family Court dated 30.08.2018.

3. Therefore, this stay petition is dismissed. The petitioner is directed to comply with the order of the Family Court regarding the visitation rights of the respondent husband. The respondent is permitted to move the Vacation Court regarding any interim order, if he is so advised.

sd/-
21/12/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE DISTRICT JUDGE,
FAMILY COURT, KANYAKUMARI DIVISION
AT NAGERCIL.

+2. C.C. to M/S.G.T.SUBRAMANIAN Advocate SR.No.24001 & 24016
+1. C.C. to M/S.G.T.SUBRAMANIAN, Advocate SR.No. 24027

ORDER
IN
CMP(MD) No.12183 of 2018
IN
CMA(MD) No.1183 of 2018
Date :21/12/2018

JM/PN/SAR 4/09.01.2019/2P/5C