



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.1061 of 2017

and

C.M.P. (MD) No.4723 and 4724 of 2017

Tmt.S.Vathsala,
(Minor V.K.Ajitha)

... Petitioner / Petitioner / Petitioner

/Vs./

D.Karthikeyan

... Respondent/Respondent/Respondent

Prayer: Civil Revision Petition - filed under Section 227 of the Constitution of India, to set aside the fair and decreetal order in I.A.No.193 of 2015 in G.W.O.P.No.3 of 2015 dated 24.04.2017 on the file of the Hon'ble Family Court, Tiruchirappalli and direct the respondent to hand over the Minor Female Child to the petitioner for temporary custody.

For Petitioner

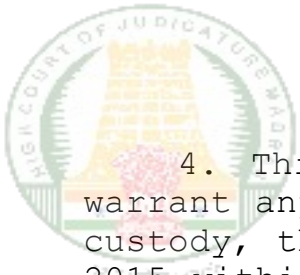
: Mr.K.Prabhakar

ORDER

The revision petitioner herein namely, Vathsala got married to the respondent namely, Karthikeyan on 24.06.2010. One female child namely, Ajitha was born to the petitioner on 24.03.2011. It appears that the relationship between the parties suffered a break down in the very same year. The revision petitioner filed G.W.O.P.No.3 of 2015 for declaring that she is the guardian of the minor child and that she must be given custody. In the said GWOP, the revision petitioner took out I.A.No.193 of 2015. However, the said Interlocutory Application was allowed by the Court below by order dated 24.04.2017 and the respondent was directed to produce the child once in a month before the Legal Services Authority at 10.30 a.m., and the revision petitioner was directed to keep the child for about two hours. This order is challenged in this civil revision petition.

2. This Court went through the impugned order in full.

3. It is seen that the revision petitioner was not having custody of the child for several months. It appears that when the child was around one year, she left the child. The child was examined by the Court below and it had unambiguously stated that she does not want to go with the revision petitioner. Therefore, taking into account the wishes of the child and at the same time, taking into account the rights of the revision petitioner, order in question has been passed.



4. This Court is of the view that the said order does not warrant any interference. Since it is a matter of guardianship and custody, the Court below is directed to dispose of G.W.O.P.No.3 of 2015 within a period of four months from the date of receipt of a copy of this order. It is made clear that the main petition shall be decided entirely uninfluenced by the developments that had taken place at the interlocutory stage.

5. With the above observations, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(Cs-I)

To

1. The Family Court, Tiruchirappalli
2. The Record Keeper, Vernacular Section, (2 copies)
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. K.Prabhakar, Advocate Sr.No.79432

SM

VB/RSK/SAR1/17.09.2018/2P/5C

Order made in
C.R.P. (MD) (PD) No.1061 of 2017
20.08.2018