

SMT. JUSTICE T. RAJANI

CIVIL REVISION PETITION No.4801 OF 2018

ORDER:

The present Civil Revision Petition is filed, under Article 227 of the Constitution of India, by the petitioner - wife against the order, dated 23.03.2018, passed in I.A. No.225 of 2017 in G.O.P. No.74 of 2017, by the learned II Additional District and Sessions Judge (Fast Track Court), Macheral.

2. The order is to the effect of permitting the respondent, who is the husband of petitioner herein, to go to the place of the petitioner - wife and take their son on every first and third Sundays at 10.00 A.M. and should hand over the son to the petitioner herein by 5.00 P.M. on the same day.

3. The said order is sought to be modified by way of present revision on the grounds that the respondent - husband, taking advantage of the order, is misusing the time frame fixed by the Court below and is not handing the child beyond the time frame fixed i.e., between 9.30 P.M. and 10.30 P.M. and he is not providing any food to the liking of the child from morning till evening, and the respondent on the pretext of taking the minor child on every first and third Sundays, is visiting the house of petitioner and abusing her family members. The respondent also filed O.P. No.35 of 2017 on the file of the Principal Senior Civil Judge at Mancheri seeking for dissolution of marriage.

4. Heard the learned counsel for the petitioner - wife. None appears for the respondent - husband despite service of notice.

5. Learned counsel for the petitioner submits that the respondent filed G.O.P. No.74 of 2017 seeking for custody of the minor child in the month of August, 2016 and petition seeking visitation rights over the minor child was filed on 22.11.2017 though he separated from the company of petitioner in the month of August, 2016. He further submits that the child became panic whenever he had to go along with respondent and, hence, seeks the Court to modify the visitation timings from 10.00 A.M. - 5.00 P.M. to 10.00 A.M. - 2.00 P.M., in the interests of justice.

6. Considering that the respondent - husband did not seek for the custody of child till almost one year after he was separated from the petitioner, this Court opines that modification as sought for can be made.

7. In the result, the present Civil Revision Petition is allowed in part, and the order, dated 23.03.2018, passed by the Court below in I.A. No.225 of 2017 in G.O.P. No.74 of 2017 is modified to the extent of respondent's, who is petitioner therein, visitation timings from 10.00 A.M. - 5.00 P.M. to 10.00 A.M. - 2.00 P.M. on every first and third Sundays. No order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the present revision stand closed.

SMT. T. RAJANI, J

October 08, 2018
Mgr

