

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Twelfth day of March Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M.GOVINDARAJ

CMP.No.6087 of 2019

in CMA.No.1838 of 2019

K.M.MOHAMMED HUSSAIN [PETITIONER]

Vs

1 YASMIN BANU [RESPONDENTS]

2 A.MUNTAJ,

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the respondent to permit the petitioner to visit the minor child Ayisha Sithika on every Sunday and took the minor child Ayisha Sithika during school vacation(in CMP.No.6087/2019) till the disposal of the above CMA.No.1838/2019.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.M.VIJAYAN ASSOCIATES, for the petitioner the court made the following order:-

This appeal is filed by the appellant seeking to set aside the judgment and decree passed in G.W.O.P.No.7 of 2014 dated 06.12.2018, by the Family Court, Udahagamandalam, Nilgiris District and for a consequential direction to the appellant to have the custody of minor Ayisha Sithika.

2. The lower Court, by order dated 10.03.2015, in I.A.No.2 of 2014 in G.W.O.P.No.7 of 2014, granted visitation right to the appellant to visit his child Ayisha Sithika on second and fourth Sunday of every month from March 2015 between 10 a.m. and 11.30 a.m. at Muslim Labai Sunnath Jamath Pallivasal, Market, near Government Hospital, Ooty in the presence of Jamathars of that Pallivasal till the disposal of petition. But the same was rejected at the time of final disposal. Now that the petitioner seeks permission to visit the child in continuance of the order dated 06.12.2018 passed by Family Court, Udahagamandalam.

3. Heard the submissions made by the learned counsel for appellant and perused the materials available on record.

4. Considering the facts and circumstance of the case and also the fact that the petitioner has made out a prima facie, permission is granted to the appellant visit his child as per the judgment and decree passed in I.A.No.2 of 2014 and G.W.O.P.No.7 of 2014, dated 10.03.2015.

5. The Civil Miscellaneous Petition is disposed of with the above observations and directions. No costs.

-sd/-

12/03/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDGE,
FAMILY COURT, UDHAGMANDALAM,
NILGIRIS DISTRICT.

C.C. to M/S.K.M.VIJAYAN ASSOCIATES Sr.No.3604

Order

in
CMP.6087/2019

in
CMA.1838/2019

Date :12/03/2019

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