

C.M.P. No.6943 of 2019 in
C.M.A. No.1870 of 2018

T.RAJA,J.

The petition has been filed seeking modification of the order dated 01.02.2019 in C.M.A. No.1870 of 2018.

2.Mr.V.Lakshmi Narayanan, learned counsel appearing for the petitioner would submit that the petitioner is presently working as a Professor in Malaysia. He would further submit that as the above said order fails to mention anything with regard to the permission of the petitioner to visit his son quarterly, half yearly and annual school holidays, the order dated 01.02.2019 passed in C.M.A. No.1870 of 2018 is required to be modified by permitting the petitioner to visit his son on his quarterly, half yearly and annual school holidays and whenever the petitioner comes to Perambalur District, as the same would not cause any prejudice to the respondent. If the order is not modified, the respondent may cause some objection to visit the child. He would further submit that when the child is enjoying holidays and the child is away from the working days and is beyond the school working hours, the petitioner would have the visitation rights to visit the child. Whenever the petitioner comes to Perambalur, if there is any

chance for taking away the child or to his home, the respondent would not raise any objection. In the meanwhile, the petitioner may be permitted to speak to the child by providing Smart Phone with internet connection at the cost of the petitioner in the timings between 9.00 a.m. and 7.00 p.m. Since the birthday of the child falls on 01.09.2019, learned counsel appearing for the petitioner requested this Court to modify the dates, namely, from 10.08.2019 and 11.08.2019 to 31.08.2019 and 01.09.2019 till afternoon.

3.Ms.R.Meenal, learned counsel appearing for the respondent wife would submit that when the petitioner appellant is bestowed with visitation rights as a Father of the child, the disputes between the petitioner and the respondent would not impair the regular status of the father. She would further submit that during the school working days and during some special classes of the child, the petitioner being a Professor, would not create any trouble to the child by taking advantage of the visitation rights of the father and the same would also affect the education of the child.

4.Considering the submissions made by both sides and also considering the facts that this Court while delivering the order dated

01.02.2019, omitted to record some other reliefs sought for in the memo filed by the petitioner father and the birthday of the child falls on 01.09.2019, this Court is inclined to pass the following order:

i.The petitioner father is permitted to visit the minor child on 31.08.2019 and 01.09.2019 till afternoon instead of 10.08.2019 and 11.08.2019.

ii.The petitioner father is permitted to have the visitation rights when the child enjoys quarterly, half yearly and annual school holidays and the child enjoys holidays and is away from the school working days/working hours and whenever the petitioner comes to Perambalur District.

iii.The petitioner is permitted to speak to the child by providing Smart Phone with internet connection at the cost of the petitioner in the timings between 9.00 a.m. and 7.00 p.m.

iv.It is made clear that whenever the petitioner comes to Perambalur, if there is any chance for taking away the child or to his home, the respondent would not raise any objection and during the school working hours and during the special classes of the child, it is

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not advisable for the petitioner to trouble the child by affecting his education.

v.Except the above modifications, the order dated 01.02.2019 remains unaltered in all other aspects.

5.Accordingly, the petition stands disposed of.

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16.07.2019

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C.M.A. No.1870 of 2018

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