

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

C.R.P.(PD) No.2974 of 2019
and C.M.P.No.19185 of 2019

S.Afroze Banu

... Petitioner

Vs.

H.Syed Yahya

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 19.3.2019 passed in I.A.No.6335 of 2018 in O.S.No.165 of 2018 by the V Additional Family Court, Chennai.

For Petitioner
For Respondent

: Ms.S.Thamizharasi
: Mr.K.A.Mariappan

ORDER

This revision petition has been filed against the fair and decreetal order passed in I.A.No.6335 of 2018 in O.S.No.165 of 2018 on the file of the V Additional Family Court, Chennai, by order dated 19.3.2019.

2.Before the Trial Court, the respondent in this revision petition, who is the husband of the petitioner, filed I.A.No.6335 of 2018, seeking visitation

rights of the female child namely Y.Dhaniya Fathima, aged 4 years. The learned Judge after hearing both sides allowed the application partly, by which, the respondent/husband has been permitted to visit the child in the house in which the child is residing. Against the said order, the present revision petition has been filed by the revision petitioner/wife.

3. Heard Ms.S.Thamizharasi, learned counsel for the revision petitioner, who would submit that, the revision petitioner does not have any objection for giving visitation rights to the respondent/husband. However, the only objection seems from the revision petitioner is that, since no time has been fixed for visitation, the respondent/husband is attempting to visit the child at any time, even at late night and early morning and going on making phone calls to the father of the revision petitioner. Thereby, the respondent/husband is trying to misuse the order passed by the Court below and therefore, in order to regulate the same, the revision petitioner filed the present revision petition, for fixing the time of visitation.

4.Heard Mr.K.A.Mariappan, learned counsel appearing for the respondent/husband, who would submit that, the respondent has no objection in regulating the time of visitation by this Court and he will abide by the order

to be passed by regulating the visiting hours. Since the issue raised in this revision petition is in very narrow compass, this Court, after hearing both sides is inclined to dispose of the revision petition by making a modification in the impugned order. Thereby fixing the time for visiting the child by the respondent.

5. Accordingly, the following orders are passed :

The respondent/husband, who is the father of the child shall visit the child every Sunday between 4.00 pm and 6.00 pm at public places like reputed shopping malls in the nearby vicinity of the residence of the revision petitioner. Insofar as the reputed shopping mall is concerned, it is suggested by the learned counsel for the respondent/husband that the Express Avenue shopping mall at Royapettah, can be an ideal place, where the respondent/husband, who is the father of the child can see the child for two hours as per fixed time of every Sunday.

6. In view of the above the order impugned in this revision petition is modified to the above extent to fix the time limit and day also. In view of the present prescription of time for visitation, the respondent/husband shall not make any attempt to see the child in any other timings and no phone calls

could be made either to the petitioner or to the petitioner's father or to any other family members regarding the same. Like that the revision petitioner should ensure that on every Sunday between 4.00 pm and 6.00 pm, the child must be available for the father's visit in the afore mentioned place.

7. With these modification of the impugned order, the revision petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.11.2019

Index: Yes / No
Speaking / Non speaking order
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To

The V Additional Judge,
Family Court, Chennai.

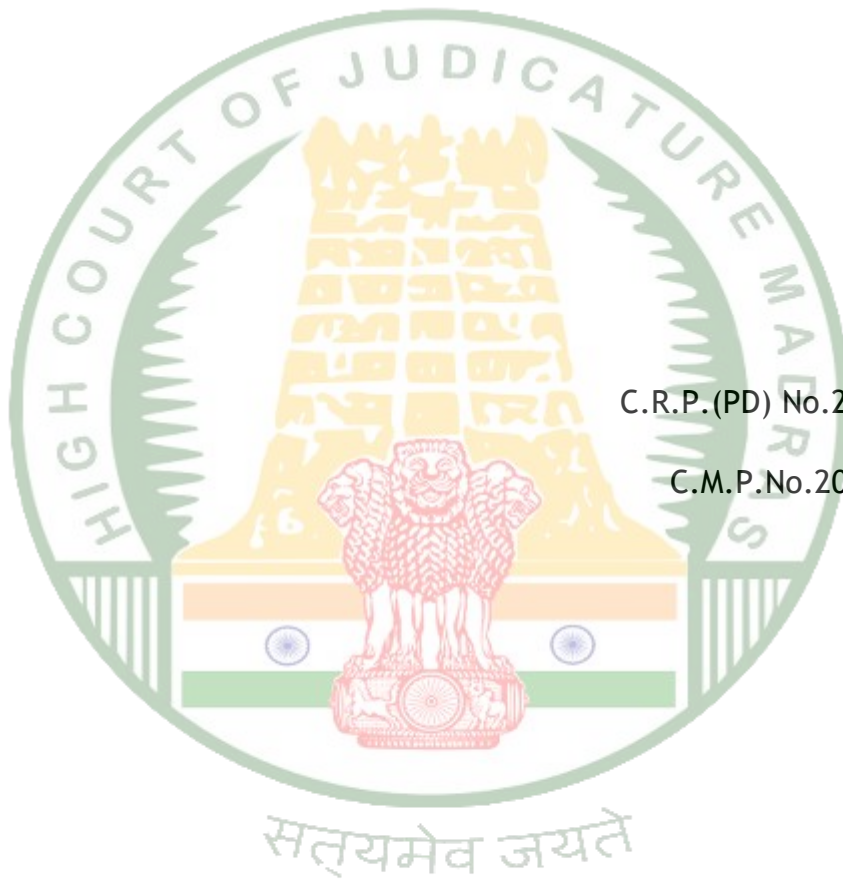
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C.R.P.(PD) No.2974 of 2019

R.SURESH KUMAR, J.

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C.R.P.(PD) No.2974 of 2019
and
C.M.P.No.20690 of 2019

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18.11.2019