

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

C.R.P. No.3119 of 2019 and C.M.P.No.20441 of 2019

S.Babu

... Petitioner

-Vs-

Anitha

... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India against the fair and decreetal order dated 09.04.2019 passed in I.A.No.684 of 2018 in H.M.G.O.P.No.19 of 2016 by the Principal District Judge of Kancheepuram at Chengalpattu as against the petitioner herein.

For Petitioner : Mr.V.B.Thirupathikumar
For Respondent : Mr.K.V.Babu

ORDER

This revision has been filed against the fair and decreetal order dated 09.04.2019 passed in I.A.No.684 of 2018 in H.M.G.O.P.No.19 of 2016 by the Principal District Judge of Kancheepuram at Chengalpattu as against the petitioner herein.

2. Before the Court below, the revision petitioner was the petitioner in H.M.G.O.P.No.19 of 2016 filed for custody of the children. In that petition, the petitioner also filed I.A.No.684 of 2018 for having visitation rights over the two children of the petitioner namely Selvan.Sarvesh and Selvi.Harshini Mitra, in the Gateway International School, where they are studying or in any other public place

once a week.

3. The said application, after having heard, has been rejected by the impugned order dated 09.04.2019, as against which the revision petitioner / father filed this revision.

4. During the last hearing, there was a likelihood for some reproachment between the parties as projected by the learned counsel for the parties on having the visitation rights ie., to see the two children without having any interaction with the children. To explore the possibility of the same, learned counsel for the respondent / mother wanted the matter to be heard today. Accordingly, the matter came up for hearing today.

5. When the matter is taken up today, the learned counsel for the respondent / mother, after getting instructions, has fairly submitted that insofar as the intention of the petitioner / father is only to see the children at the school once a week, she does not have any objection.

6. In view of the said gesture shown by the mother, through the learned counsel, the learned counsel for the petitioner / father submitted that though the said restriction not to talk to the children may not be justifiable, however, in order to give a quietus to the current issue, his client ie., the petitioner is agreeing for the said arrangement. Hence, he seeks suitable order to that effect from this Court.

7. Having regard to the said submission made by the learned counsel for both sides, by taking into account the factual scenario of the case, this Court is inclined to pass the following order.

8. That the impugned order dated 09.04.2019 is modified to the effect that the petitioner / father can visit the children once a week at the school, where the two children are studying during interval hours either in the morning or in the evening, for visitation and during that time the petitioner / father shall have the right to see his children. However, he shall not interact with them for any purpose except to say the word 'hello'. At the same time, there is no restriction for the father to give any small eatables and gifts to his children, which the basic minimum courtesy any children would expect from their father. Except for the aforesaid note, the father is not entitled for any other privilege or gesture at present, as the main issue for custody of the children is pending in the H.M.G.O.P.No.19 of 2016.

9. With this modification in the impugned order, the Civil Revision Petition is disposed of. No costs.

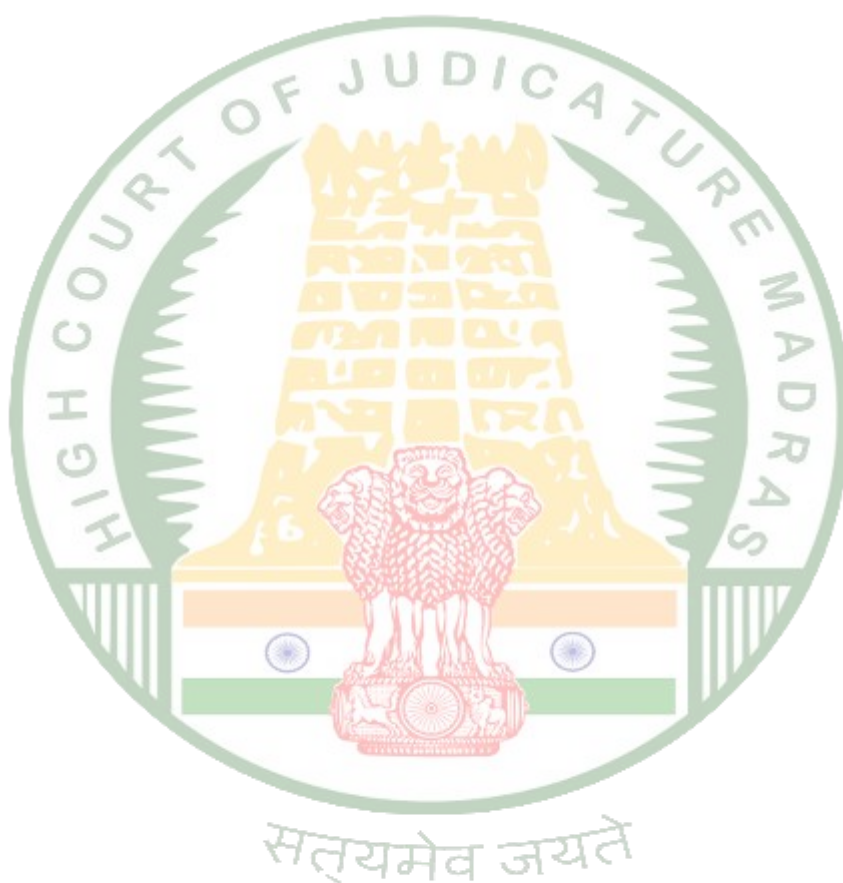
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Note : Issue order copy on 25.11.2019

To

The Principal District Judge at Kancheepuram.



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C.R.P.(PD) No.3119 of 2019

R.SURESH KUMAR, J.

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