

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R.SURESH KUMAR

C.R.P.(PD) No.3857 of 2019 and
C.M.P.No.25430 of 2019

S.Sungu Yamini

... Petitioner

Vs.

Balaji Raghunathan

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, praying to set aside the order and decretal order in I.A.No.2006 of 2017 in O.P.No.4090 of 2015 dated 30.08.2019 passed by III Additional Family Court, Chennai.

For Petitioner : Mrs.C.Auxilia

For Respondent : Mr.Balaji Raghunathan
Party-in-person

ORDER

This revision petition has been filed against the order made in I.A.No.2006 in 2017 in O.P.No.4090 of 2015 on the file of the III Additional Family Court, Chennai, by order dated 30.08.2019.

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2.Before the Court below, the respondent/husband filed the main OP for dissolution of marriage, where he filed the present IA for having

visitation right of his male child, 5 years old. The said application was allowed after hearing both sides by the Court below through the impugned order whereby the Court directed the revision petitioner/wife to bring the child on every Saturday between 10.00 a.m. and 1.00 p.m. and for the three hours, the child shall be made available at the Children Centre attached to the Family Court, Chennai for the respondent/father to have the visit and access of the child. As against the said order, the present revision has been filed.

3.Heard Mrs.C.Auxilia, learned counsel appearing for the revision petitioner, who would submit that, it is very difficult to bring the child on every week end, therefore, it can be restricted to once in a month. Moreover, the respondent/husband is not regular in seeing the child, therefore, no meaning in bringing the child to the Children Centre attached to the Family Court. Apart from this, the learned counsel would submit that, there are so many issues between the parties and no interim maintenance has been so far paid, despite the petitions having been filed before the Family Court. For all these reasons, the order impugned has to be modified, she contended.

4.However, Mr.Balaji Raghunathan/respondent, who appeared party-in-person, submitted that though the lower Court ordered visitation right from 10.00 a.m. to 1.00 p.m. on every Saturday, they used to bring the child only between 11.30 a.m. and 11.45 a.m. and within 1 1/2 hours, they will take up the child, therefore, the 3 hours time should be ensured. He would also submit that, by filing some photographs, during the visitation, the child is moving very closely with the respondent/father. Therefore, probably getting annoyed with the said movements, they wanted to restrict the visitation right of every week end into once in a month, for which, absolutely there is no plausible reason, he contended.

5.I have considered the said submissions of the learned counsel appearing for the petitioner as well as the respondent, who appeared party-in-person and I have perused the materials placed before this Court.

6.The said order passed by the trial Court, permitting the respondent/father to have the visitation of the child from 10.00 a.m. to 1.00 p.m. on every Saturday, that too, at the Children Centre attached

to the Family Court, Chennai, in the considered opinion of this Court, is a reasoned order and well balanced one also.

7.Absolutely no plausible or acceptable reason has been made or projected before this Court to interfere with the said order.

8.Though some allegations and counter allegations have been made between the parties, there is no proof to that effect and moreover, those allegations may not be required to be gone into, at this juncture, in view of the grounds raised in this revision.

9.In that view of the matter, this Court feels that, the said order, which is impugned herein, dated 30.08.2019 passed by the Court below does not warrant any interference from this Court. Accordingly, this revision fails and hence, it is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

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Index : Yes/No

Speaking Order: Yes/No
Sgl

To

The III Additional Family Court,
Chennai.



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R.SURESH KUMAR, J.

Sgl



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