

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A.No. 4261 of 2019

Divya Davloor ... Appellant

Vs.

Harshavardhan Davloor ... Respondent

PRAYER : Appeal filed under Section 19 of the Family Courts Act against the order passed in I.A.No.2 of 2019 in G.W.O.P.No.3662 of 2019 dated 31.10.2019 on the file of V Additional Family Court, Chennai.

For Appellant : Mr.P.Subba Reddy

For Respondent : Mr.K.P.Satheesh Kumar

JUDGMENT

(Delivered by M.M.SUNDRESH., J)

This appeal has been preferred by the appellant aggrieved over the order passed in I.A.No.2 of 2019 in G.W.O.P.No.3662 of 2019 by the respondent.

2. Incidentally, it has been informed that the respondent has also filed a petition for divorce before the jurisdictional Court in Hyderabad.

3. By the order under challenge, the V Additional Family Court, Chennai directed the appellant to hand over the custody of the minor child on every Saturday at 10.00 a.m. to the

respondent, who shall return the child back to the appellant at 5.00 p.m. on every Sunday.

4. This Court, by way of an interim order directed the appellant to hand over the custody of the child to the respondent between 10.00 a.m. and 5.00 p.m. on every Saturday.

5. The learned counsel appearing for the appellant submitted that the Family Court has committed an error in passing the aforesaid order without taking into consideration the convenience of the appellant and the child.

6. However, the learned counsel appearing for the respondent submitted that the parties including the aged parents of the respondent will have to come from Hyderabad to Chennai to have the custody of the child on Saturday and thereafter drop him back by the next day evening.

7. Considering the above, we are of the view that it would be appropriate to have the custody of the child with the respondent every second week in a month instead of every week. Having allowed to travel from Chennai to Hyderabad every week would cause both physical and mental disturbance to the child.

8. Accordingly, the order passed by the V Additional Family Court, Chennai is modified hereunder:-

- (i) The respondent shall come to the house of the appellant and take the child at about 10.00 a.m. on every second Saturday;
- (ii) He shall thereafter handover the custody back to the appellant on the next day i.e., Sunday at about 6.00 p.m.;
- (iii) This arrangement shall continue till the disposal of G.W.O.P.No.3662 of 2019.
- (iv) The V Additional Family Court, Chennai is directed to dispose of G.W.O.P.No.3662 of 2019 within a period of nine months from the date of receipt of a copy of this judgment.

9. The Civil Miscellaneous Appeal is disposed of accordingly. No Costs. Consequently, connected C.M.P.No.24120 of 2019 is closed.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

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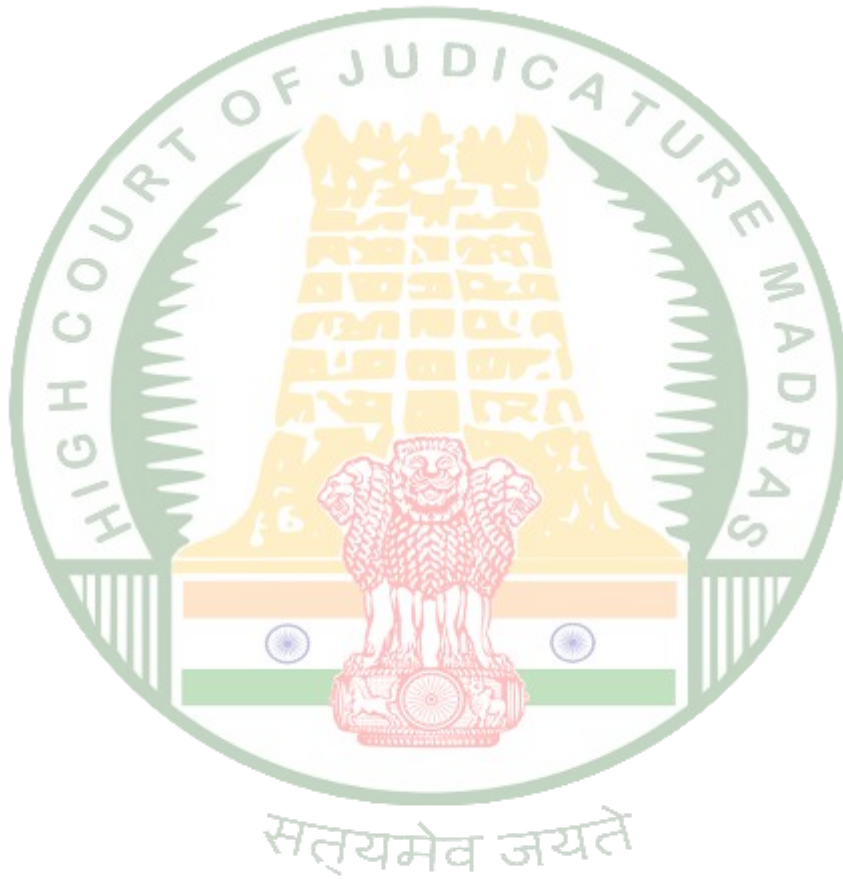
The V Additional Principal Judge,
V Additional Family Court, Chennai.

+2ccs to Mr.P.Subba Reddy , Advocate SR.No. 9833

+1cc to Mr.Ojan Law Firm , Advocate SR.No. 10077

C.M.A.No. 4261 of 2019

A.SK(20/02/2020)



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