

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2020

Coram

The Honourable Mr.Justice **M.M.SUNDRESH**
and

The Honourable Mr.Justice **N.ANAND VENKATESH**

Review Application Nos.248 & 249 of 2018
& C.M.P.Nos.18640 & 18642 of 2018
in O.SA.Nos.264 & 263 of 2017

S.Sakthivel

... Petitioner in
both Rev. Aplns.

Vs.

Abirami nasundarKalyaam

... Respondent in
both Rev. Aplns.

Review Applications are filed under Order 47 Rule 1 of CPC read with Section 114 of CPC to review the common order of this Court dated 23.07.2018 made in O.S.A.No.263 of 2017.

For petitioner
in both Rev. Aplns.

: Mr.K.P.Gopalakrishnnan

For Respondent

: Mr.K.Raju

COMMON ORDER

(Order of the Court was delivered by **M.M.SUNDRESH,J**)

Seeking to review the order passed in OSA Nos.264 and 263 of 2017 dated 23.07.2018, the present review applications have been filed.

2.Mr.K.P.Gopalakrishnan, learned counsel appearing for the applicants would submit that there cannot be any term which can be fixed for the father's love towards the child.

3.Mr.K.Raja, learned counsel appearing for the respondent submitted that even the conditional order passed by this Court has not been complied with for quite some time.

4.What we have passed is only an interim arrangement by taking into consideration the status of the parties and need of the child. The submission made that the payment would be termed as condition precedent does not impress us. Is is only an order enabling the child to continue the school education through the support from the petitioner. Therefore, the order has been construed that way.

5.In such view of the matter, we do not find any reason to review the order passed in O.S.A.Nos.264 and 263 of 2017 on 23.07.2018. It is needless to state that if the petitioner does not comply with the order, which is meant to be used for the child, he cannot insist for the visitation rights. These two factors cannot be separated from each other. We have also noted that what has been ordered by us is only an interim arrangement pending further orders to be passed. Accordingly, these review applications stand closed. However, taking into consideration the pendency of the original petition, the learned single Judge is requested to dispose of O.P.No.860 of 2016 within a period of four months after disposing of the application filed seeking amendment. Consequently, connected civil miscellaneous petitions are also closed.

(M.M.S.,J.) (N.A.V.,J.)

17.12.2020

Index:Yes/No
raa

WEB COPY

Review Application Nos.248 & 249 of 2018

M.M.SUNDRESH,J.

And

N.ANAND VENKATESH,J.



Review Appln. Nos.248 & 249 of 2018
in O.SA.Nos.264 & 263 of 2017

सत्यमेव जयते

17.12.2020

WEB COPY