



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRP (MD)No.2160 of 2019

and

CMP(MD)No.1551 of 2020

S.Jayalakshmi

.. Petitioner/Respondent/Respondent

Vs.

T.Senthilkumar

... Respondent/Petitioner/Petitioner

Civil Revision Petition filed under Article 227 of the Constitution of India to modify the order passed in I.A. No.303/2018 in HMOP.No.219/2017 on the file of the Learned Family Judge, Madurai.

For Petitioner : M/s.Chamundi Bose

For Respondent : Mr.R.Vijayakumar

ORDER

The respondent and the petitioner are husband and wife. The respondent filed a petition in HMOP No.219 of 217 for restitution of conjugal rights. During pendency of the said petition, he has also filed a petition seeking interim custody of his children in I.A.No.303 of 2018. The Family Court, Madurai granted interim visitation right during the 2nd and 4th week of Saturday and Sundays. Challenging the said order, the wife has filed the present Civil Revision Petition.

2.The learned counsel for the petitioner would submit that the respondent/father is at Pudukottai and the petitioner and children are in Madurai and if the respondent is allowed to meet the children twice in a month, their education would be spoiled and there is no objection for the respondent/father to meet the children once in a month. Therefore, he seeks modification of the order passed by the Family Court.

3.The learned counsel for the respondent would submit that in interest of the children, the respondent/father has shifted his residence from Pudukottai to Madurai and he is staying just five minutes walkable distance from the place where the petitioner and children are residing and he is ready to abide by the order of the Court below.

4.Heard the learned counsel appearing on either side and



perused the entire materials available on record.

5.The relationship between the parties is not in dispute. The petitioner filed a petition for divorce and the respondent/husband filed a petition for conjugal rights in HMOP No.219 of 2017 and the children are with the petitioner/wife and the said fact is also not in dispute. During pendency of the said petitions, the respondent/husband has filed the petition for visitation right of the children. The Family Court also granted visitation right during the 2nd and 4th week of Saturday and Sunday.

6.The learned counsel for the respondent would submit that the respondent/father shifted his residence from Pudukottai and now he is residing at Madurai. Since the respondent is also in Madurai, even if the the father is visited the children twice in a month, the same will not affect the education of the children as stated by the learned counsel for the petitioner. Therefore, considering the facts and circumstances of the case, this Court does not find any perversity in the order passed by the

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Family Court, Madurai. The respondent, being the father of the children is entitled to visit the children and therefore, the Family Court has rightly granted the visitation right twice in a month. Therefore, there is no reason to interfere with the order order passed by the Family Court, Madurai and the Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, CMP(MD) No.1551 of 2020 is closed.

Sd/-

Assistant Registrar (AD II)

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/ /2020

Sub Assistant Registrar(CS)

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To

The Judge, Family Court, Madurai

+1 CC to M/s.R.VIJAYAKUMAR, Advocate (SR-11196[F] dated 11/03/2020)

+1 CC to M/s.CHAMUNDI BOSE, Advocate (SR-10986[F] dated 11/03/2020)

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