

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.2790 of 2016

and

CMP.No.14242 of 2016

G.Adhilakshmi

... Petitioner

Vs.

B.Gajendran

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order passed in I.A.No.2596 of 2012 in G.W.O.P.No.3002 of 2012 dated 13.07.2016, on the file of the learned III Additional Principal Judge, Family Court, Chennai.

For Petitioner : Mr.S.Madhusudanan

For Respondent : Mr.V.Veluchamy

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.2596 of 2012 in G.W.O.P.No.3002 of 2012 dated 13.07.2016 on the file of the learned III Additional Principal Judge, Family Court, Chennai, thereby, granting visitation right of the minor son G. Parnava Khanth on 2nd and 4th Saturday of the every month till the disposal of the main Original Petition.

2. The petitioner is the wife and the respondent is the husband. The respondent initially filed a petition for divorce on the ground of cruelty. While pending the same, he also filed a petition in GWOP.No.3002 of 2012 for appointment of the petitioner as guardian and also custody of the minor child G.Parnava Khanth. While pending the said Original Petition, the respondent filed a petition for visitation right of his minor son. The same was partly allowed stating that the respondent is entitled have visitation right of the minor son G.Parnava Khanth on 2nd and 4th Saturday of the every month at Child Centre, Family Court Premises, Chennai between 10.00 a.m., to 12.30 p.m., pending disposal of the main petition. Aggrieved by the same, the present Civil Revision Petition is filed.

3. The learned counsel for the petitioner submitted that while pending the Civil Revision Petition, the minor son appeared before this Court and his statement was recorded by this Court.

4. The statement recorded by this Court dated 21.11.2016 as follows:-

*“The petitioner and the minor child appeared before me.
The respondent also appeared before me.*

2. I have ascertained the wishes of the child as to whether he wanted to meet his father. The child categorically told me that he does not want even his father's face to be seen. When the father was called along with the counsel, the child was not prepared even to look at the respondent. The minor child made it clear that he is not in favour of exercising visitation right by the respondent.”

5. Now, the minor son is aged about 16 years. Therefore, no one can compel the son aged about 16 years to see his father. However, if the minor son G.Parnava Khanth is willing to see his father, at any time he can visit his father.

G.K.ILANTHIRAIYAN,J.

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6. With the above direction, this Civil Revision Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

22.03.2021

Speaking/Non-speaking order

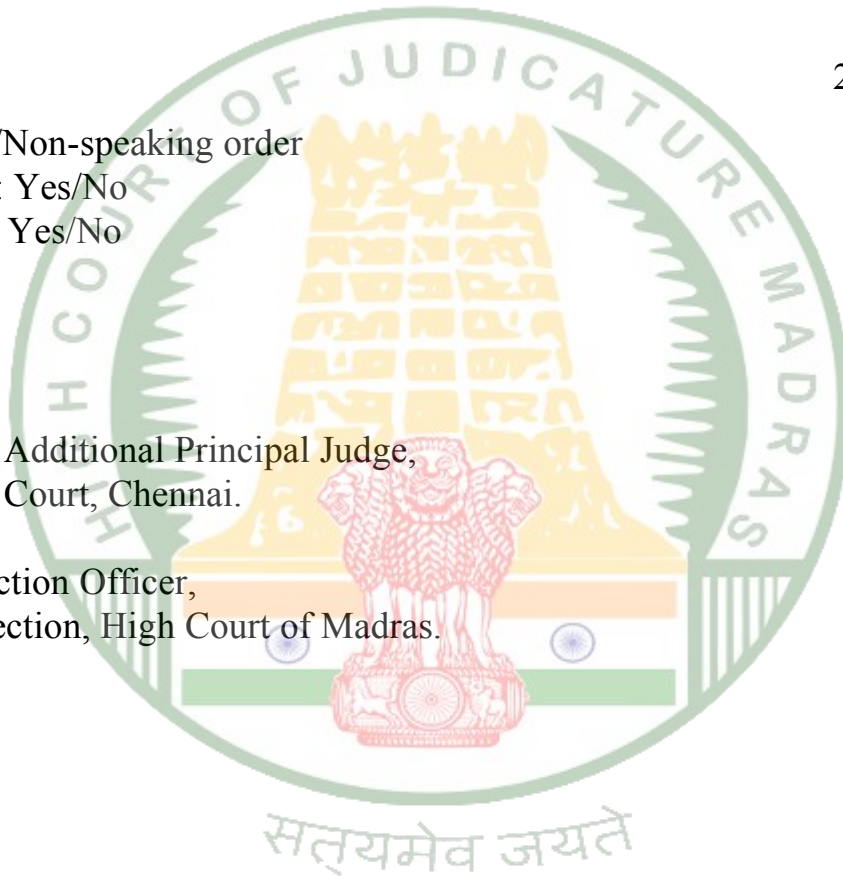
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To

1. The III Additional Principal Judge,
Family Court, Chennai.
2. The Section Officer,
V.R.Section, High Court of Madras.



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