

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD).No.2337 of 2018
and C.M.P.No.14486 of 2018

Shruti

... Petitioner

Vs

Mayur Kothari

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, against the Fair and Decreetal order dated 09.04.2018 passed in I.A.No.6 of 2017 in H.M.O.P.No.694 of 2015 on the file of Additional Principal Family Judge, Coimbatore.

For Petitioner : Mr.R.Bharath Kumar

For Respondent : No Appearance

ORDER

This Civil Revision Petition is filed against a Fair and Decreetal order dated 09.04.2018 passed in I.A.No.6 of 2017 in H.M.O.P.No.694 of 2015 on the file of Additional Principal Family Judge, Coimbatore.

2. The petitioner is the wife and the respondent is the husband. The petitioner filed a petition for divorce on the ground of cruelty. While pending the divorce petition, the respondent filed a petition for visitation rights.

3. On perusal of the affidavit filed in support of the visitation rights petition, the petitioner and the respondent got married on 20.04.2009 as per the Hindu Rites. Out of their wedlock, they gave birth to a male child on 08.07.2010. Therefore, the respondent herein filed the petition for the visitation rights to spend time with the male child during his vacations and to talk with the child over phone and on festive occasions. The petitioner herein resisted the petition claiming visitation rights with the child, who is aged about 7 years old and he terrified to meet the respondent. Further, the

respondent is staying at Calcutta and as such, he cannot be permitted to take child to Calcutta. However, the Court below allowed the petition and permitting the respondent to visit the child on every hearing date of the divorce petition between 5.30 P.M and 8.00 P.M at any public place viz Brooke Fields, VOC Park, Funmal or Prozone Mall at Coimbatore as per the wish of the minor child.

4. Further, the respondent is permitted to talk over phone on every last Sunday between 6.00 P.M and 9.00 P.M and he is also permitted to take the child to Calcutta for two days during Dhasara holidays and five days in Summer vacations. Admittedly, the respondent is residing at Calcutta and the minor child now aged about 11 years and he is a School going child. Now the environment is not good and all over India is under the pandemic circumstances of Covid - 19. Therefore, it is not feasible for the respondent to take the minor child to Calcutta. That apart, only as per the wish of the minor child, he can be taken to Calcutta by the respondent.

5. Considering the above the order of visitation rights, this Court modified the said order to the effect that the respondent is permitted to visit

the child on every hearing date of the divorce petition as directed by the Court below and also he is permitted to talk to the child over phone on every last Sunday between 6.00 P.M and 9.00 P.M alone.

6. Accordingly, the order dated 09.04.2018 passed in I.A.No.6 of 2017 in H.M.O.P.No.694 of 2015 on the file of Additional Principal Family Judge, Coimbatore is modified and this Civil Revision Petition is disposed of. No order as to costs. The trial Court is directed to dispose of the divorce petition within a period of *nine months* from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

30.04.2021

Internet: Yes

Index: Yes/No

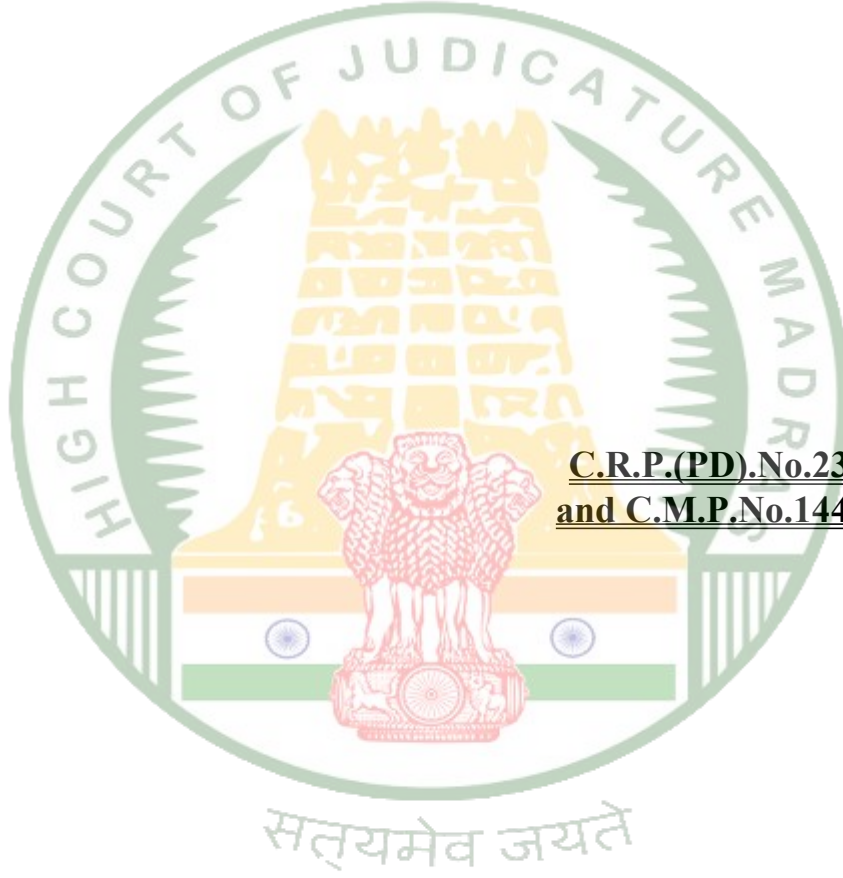
Speaking/Non speaking order
rna

To

The Additional Principal Family Judge,
Coimbatore.

G.K.ILANTHIRAIYAN. J,

rna



C.R.P.(PD).No.2337 of 2018
and C.M.P.No.14486 of 2018

WEB COPY

30.04.2021