



WEB COPY

Cont.P.No.1328 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Cont.P.No.1328 of 2021

S.Angappan @ Samiyappan,
Door No.196A, South Street,
Kandasamypalayam, Kollankovil,
Erode District

... Petitioner

Vs.

1.K.P.Shanmugam

2.S.Saraswathi
Both are residing at
D.No.552, Palayakottai Road,
Kangayam, Kangayam Taluk,
Tiruppur District

... Respondents

Prayer : Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondents for their wilful disobedience of the order dated 11.03.2021 made in C.M.A.No.1676 of 2020 passed by this Court.

For Petitioner : Mr.R.Prabakar
For Respondents : Mr.C.Prakasam

ORDER

The present Contempt Petition is filed to punish the respondents for

<https://hcservices.ecourts.gov.in/hcservices/> their wilful disobedience of the order dated 11.03.2021 made in



C.M.A.No.1676 of 2020. The Civil Miscellaneous Appeal is filed against the order dated 10.03.2020 in G.W.O.P.No.72 of 2018 on the file of the Principal District Court, Tiruppur. This Court has dismissed the appeal on 11.03.2021 granting visitation rights to the petitioner, the father of the minor child, Praneeth, once in a week on Sundays at 3.00 P.M. to 6.00 P.M., in the residence of the respondents

2. The petitioner, the father of the minor child has filed the present Contempt Petition mainly on the ground that when he made an attempt to visit a minor boy, he was prevented from seeing the minor child. It is stated that the petitioner visited the house of the respondents on 28.03.2021, Sunday to see the minor child and the 1st respondent stopped him from entering into compound itself and did not allow the child to come out of the sit out portion and the 1st respondent blocked and sat on the steps.

3. The petitioner has raised several allegations against the respondents. In view of the allegations raised by the petitioner, the learned counsel for the respondents produced a pendrive containing video graph of the visitation of the petitioner. The said video graph produced before this Court is displayed in the presence of the learned counsel for the petitioner.

The said video graph shows that the minor boy was very much available in the portico of the house and the petitioner along with his father was standing,



just opposite to the minor boy. Infact, the petitioner's father called the boy and was also the petitioner, however, the minor boy refused to go near them.

4. When this Court asked the minor boy, he responded by saying that the petitioner is the cause for the death of his mother and therefore he is not willing to see his father. This being the statement made by the minor boy, who is aged about 7 years, this Court is of the considered opinion that the emotions of the minor boy cannot be interfered with at this juncture. Therefore, the petitioner has to wait for the better understanding of the facts and circumstances for the purpose of exercising his visitation rights or otherwise.

5. The Court is bound to provide better atmosphere for the children to grow and continue their education. The education of the minor child at no circumstances be affected due to these kinds of family disputes.

6. The learned counsel for the respondents has made a submission that the minor boy is happily attending the School and he is happy with his grand parents, who are looking after his needs.

7. This being the factum prevailing, the petitioner has to wait for few years to explain his son for the better understanding of the facts and circumstances of truth behind the incidents or the occurrences.



8. This Court cannot force the minor boy to meet the petitioner, which may cause mental agony to him and under these circumstances, this Court is of the opinion that the respondents have not committed any contempt, or wilful disobedience of the Court. They have provided an opportunity to the petitioner to visit the minor boy who inturn refused to see the petitioner. The respondents cannot be blamed for the same.

9. Accordingly, the Contempt Petition stands dismissed. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/16/12/2021