



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

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CMA(MD) Nos.1498 and 1758 of 2013

and

MP(MD) No.1 of 2013

(1) CMA(MD) No.1498 of 2013:-

T.A.M.Athavan

: Appellant/Petitioner

Vs.

1.T.Malarvizhi

2.Minor Mounika

3.Minor Roopadevi

: Respondents/Respondents

(Minors 2 and 3 are represented
through their mother guardian Malarvizhi
the 1st respondent herein)

Prayer in CMA(MD) No.1498 of 2013: Civil Miscellaneous Appeal filed under section 47 of Guardians and Wards Act, 1890 against the fair and decreetal order, dated 25.04.2013 made in GWOP No.206 of 2011 on the file of the Principal District Court, Thoothukudi.

(2) CMA(MD) No.1758 of 2013:-

1.T.Malarvizhi

2.Minor Mounika

3.Minor Roopadevi

: Petitioners/Respondents

(Minors 2 and 3 are represented
through their mother guardian Malarvizhi
the 1st Petitioner herein)

Vs.

T.A.M. Athavan

: Respondent/Petitioner

Prayer in CMA(MD) No.1758 of 2013: Civil Miscellaneous Appeal filed under section 47 of Guardians and Wards Act, 1890 against the fair and decreetal order, dated 25.04.2013 made in GWOP No.206 of 2011 on the file of the Principal District Court, Thoothukudi, in so far as it relates to the visiting rights given to the respondent herein to meet the 2nd and 3rd appellants on the 1st and 3rd Monday of every month between 4.30 pm and 5.30 pm at their school premises after their school hours is concerned.

For Appellant in CMA(MD)

No.1498 of 2013 &

For Respondents in

CMA(MD) No.1758 of 2013

: Mr.A.Arumugam

for M/s.Ajmal Associates



For Respondents in CMA (MD)
No.1498 of 2013 &

For Appellants in

CMA (MD) No.1758 of 2013

: Mr.D.Srinivasaragavan

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COMMON ORDER

CMA(MD)No.1498 of 2013 has been filed against the fair and decreetal order, dated 25.04.2013 made in GWOP No.206 of 2011 on the file of the Principal District Court, Thoothukudi, whereas CMA(MD) No.1498 of 2013 filed challenging the fair and decreetal order, dated 25.04.2013 made in GWOP No.206 of 2011 on the file of the Principal District Court, Thoothukudi, in so far as it relates to the visiting rights given to the respondent herein to meet the 2nd and 3rd minor appellants on the 1st and 3rd Monday of every month between 4.30 pm and 5.30 pm at their school premises after their school hours is concerned.

2.The husband T.A.M.Athavan filed GWOP No.206 of 2011 on the file of the Principal District Judge, Thoothukudi, for a declaration that he is the guardian of his two minor children namely Monicka and Roopa Devi. The learned Principal District Judge, Thoothukudi, while partly allowing the petition, granted visitation right to the husband allowing him to call on the children on two days in a month (I.e) First and Third Monday of every month between 04.30 to 05.30 P.M. at their school premises, after school hours. Aggrieved by the said order, both the parties are before this court with these civil revisions.

3.When the matter is taken up for hearing, Mr.A.Arumugam, learned counsel appearing for the husband would submit that the minor children namely Monicka and Roopa Devi now attained majority and he has also produced the Birth Certificate of the minors for the perusal of this Court.

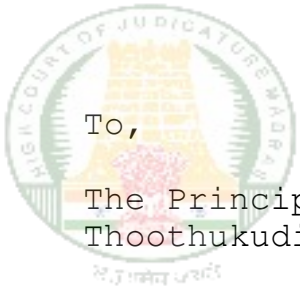
4.Perusal of the Birth Certificates relating to the minors, it reveals that the minor Monicka born on 26.04.1999 and Roopa Devi born on 30.03.2002 and as on date, they attained majority. Hence, this court is of the view that the impugned order, dated 25.04.2013, passed in GWOP No.206 of 2011 has become infructuous.

5.In view of that, both the Civil Miscellaneous Appeals are dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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To,

The Principal District Judge,
Thoothukudi.

Copy to

The Section Officer, V.R. Section (2C)
Madurai Bench of Madras High Court,
Madurai

+1CC to Mr.D.Srinivasaragavan, advocate, SR.No.15420 dated
07.04.2021

CMA(MD) Nos.1498 and 1758 of 2013
01.04.2021

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KB(29.04.2021) 3P 5C