



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2021

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

C.M.A. (MD) No.965 of 2021

and

C.M.P. (MD) No.9168 of 2021

E.Sakthi Shree

... Appellant/Respondent

-vs-

K.Satheeshkumar

... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 19(i) of the Family Courts Act r/w Section 47 of Guardian and Wards Act, praying to set aside the fair and decreetal order dated 21.12.2020 passed in G.W.O.P.No.18 of 2018, on the file of the Family Court, Karur.

For Appellant : Mr.H.Arumugam

For Respondent : Mr.K.Saravanan

J U D G M E N T

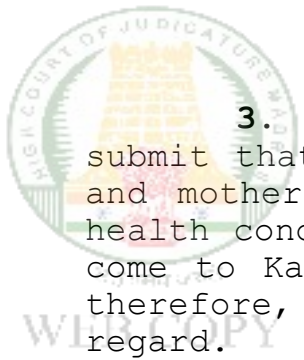
S.VAIDYANATHAN, J.

and

DR.G.JAYACHANDRAN, J.

This civil miscellaneous appeal is directed against the order dated 21.12.2020, passed in G.W.O.P.No.18 of 2018, on the file of the Family Court, Karur.

2. The appellant and the respondent got married on 19.02.2016 and ultimately, they have parted by means of divorce on mutual consent vide order dated 21.12.2020 in H.M.O.P.No.351 of 2018. It has been agreed in the guardian wards original petition that the father shall visit the child on the first Sunday of every month at Pasupatheeswarar Temple between 08.00 a.m. and 08.00 p.m. In case for any reason the child is not able to be produced on the first Sunday, the child shall be produced on the second Sunday at the same venue and time. Aggrieved over by the place of visit at Karur, the mother of the child has filed this civil miscellaneous appeal.



3. The learned counsel appearing for the appellant would submit that the appellant has secured job in Chennai and her child and mother are also residing at Chennai and also in view of the health condition of the child, it is difficult for the appellant to come to Karur from Chennai on the first Sunday of every month and therefore, prayed for modification of the impugned order in this regard.

4. The learned counsel appearing for the respondent would submit that the respondent is also in Chennai and therefore, the place of visit may be modified as Chennai instead of Karur.

5. Taking into consideration the facts and circumstances of the case and also the factum that the order giving visitation right to the respondent herein is a consent order and also in view of the fact that the welfare of the child is paramount important, we modify the impugned order to the extent indicated below:

- (i) The child shall be produced on the first Sunday of every month at Thiruvalluvar Temple, Padi, Chennai-600 050, or any other common place agreeable by both parties, between 10.00 a.m. and 08.00 p.m.
- (ii) If the child is not able to be produced on any of the first Sunday, the child shall be produced on the second Sunday at the same venue and time with prior intimation to the respondent.
- (iii) Even though it has been insisted by the respondent that he may be permitted to visit the child at least twice in a month, this Court is not inclined to modify the impugned order, except the one supra.
- (v) Depending upon the child's reaction to the respondent, necessary application shall be moved by the respondent before the appropriate forum to have more number of visit, which can be considered at the appropriate time in the manner known to law.
- (vi) The first visit shall commence on 05.12.2021.

6. With the above modification, the civil miscellaneous appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

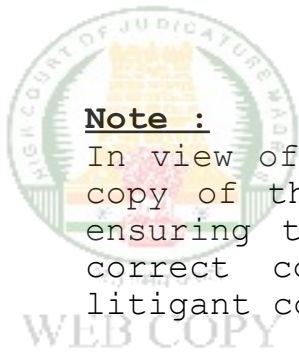
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the Judgment may be utilized for official purposes, but, ensuring that the copy of the Judgment that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The Judge,
Family Court,
Karur.
- 2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-35133[F] dated 19/11/2021)

+1 CC to M/s.ARJUN, Advocate (SR-35208[F] dated 19/11/2021)

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