



C.R.P.No.2060 of 2020
and C.M.P.No.12962 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2022

CORAM:

THE HONOURABLE **MRS.JUSTICE R. HEMALATHA**

C.R.P.No.2060 of 2020
and
C.M.P.No.12962 of 2020

N.Yarab Basha

... Petitioner

..Vs..

K.S.Shabana Yasmin

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal orders dated 25.11.2019 in I.A.No.1 of 2019 in GWOP.No.3 of 2018 on the file of the Family Court, Dharmapuri.

For Petitioner : Mr.S.Jeyakumar

For Respondent : Mr.S.Ravi

ORDER

The present Civil Revision Petition is filed to set aside the fair and decretal orders dated 25.11.2019 in I.A.No.1 of 2019 in GWOP.No.3 of 2018 on the file of the Family Court, Dharmapuri.



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2.The revision petitioner is the respondent in I.A.No.1 of 2019 in GWOP.No.3 of 2018 on the file of Family Court, Dharmapuri. The respondent filed the I.A. under Section 12 of Guardians and Wards Act 1890, praying the Court to appoint him as guardian for minor Bishru Harpalin till the disposal of the main OP or permit him to visit the minor son in a public place.

3.The learned Family Court Judge, Dharmapuri, vide her orders dated 25.11.2019 partly allowed the application by observing thus :

"The petitioner is entitled to visit the minor child Bishru Harflin at the respondent's parents home at Dharmapuri on the 2nd Saturday of every month from 10.00 am to 11.00 am. The petitioner shall not use force, or compel the child Bishru Harflin, in the process, petitioner might gain hatred instead of love and affection of the child Bishru Harflin". This point is found in favour of the petitioner and is answered accordingly".

4.Mr.S.Jeyakumar, learned counsel for the revision petitioner



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would contend that the petitioner may be permitted to be with his son from 10 a.m. to 6 p.m. on every second Sunday. Subsequent to the filing of Civil Revision Petition the respondent herein shifted her residence to Arcot and the child is now studying in one of the schools in Arcot. The child was directed to be produced before this Court today. When this Court interacted with the child, the child informed that his father is working in Saudi Arabia and he is coming to see him now and then and he does not have any objection to meet his father. Since the child is ready to meet his father, the order passed by the Family Court, Dharmapuri is modified.

5.The revision petitioner can visit his child Bishru Harpalin at Arcot Mosque, Arcot (near bus stand) on second Sunday of every month between 10.00 am and 06.00 pm. The other conditions imposed by the trial Court is kept intact. Since GWOP is of the year 2018, the trial Court is directed to dispose of the same as expeditiously as possible but not later than six months from the date of receipt of a copy of this order.



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

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mtl

Index : Yes/No

Speaking / Non-speaking order



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R. HEMALATHA, J.

mtl

To

- 1.The Judge, Family Court, Dharmapuri.
- 2.The Section Officer, VR Section, High Court, Madras.

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