



C.R.P.No.842 of 2020
and C.M.P.No.4473 of 2020

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

C.R.P.No.842 of 2020

and C.M.P.No.4473 of 2020

Chitra

...Petitioner

Vs.

Ilayaraja

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal orders dated 03.02.2020 passed in I.A.No.2 of 2020 in HMOP.No.144 of 2017 on the file of the Sub Court, Jeyamkondam.

For Petitioner : Mr.D.Prasanth Nadaraj

For Respondent : Mr.M.Kavikannan

ORDER

The present Civil Revision Petition is filed against the fair and decreetal orders dated 03.02.2020 passed in I.A.No.2 of 2020 in HMOP.No.144 of 2017 on the file of the Sub Court, Jeyamkondam.

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2.The revision petitioner is the petitioner in HMOP 144 of 2017 on the file of the Sub Court, Jeyamkondam. She filed the petition for dissolution of marriage under Section 13 (1) (A) of Hindu Marriage Act 1995, against the respondent/husband herein.

3.During the pendency of HMOP, the respondent filed I.A.No.2 of 2020 under Section 20 of Hindu Marriage Act seeking for visitation rights to see and be with his son Yogesh. The respondent is working in Border Security Force in the State of Rajasthan. His main contention is that the present revision petitioner did not allow him to see his child Yogesh.

4.The revision petitioner filed a counter and after full contest, the learned Subordinate Judge, Jeyamkondam, vide his orders dated 03.02.2020 allowed the petition by observing that the respondent herein should be permitted to see his child on every Sunday in a common place and at that time, counsels appearing for both sides should be present.



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Aggrieved over the orders, the present Civil Revision Petition is filed.

5.Heard Mr.Mr.D.Prasanth Nadaraj, learned counsel appearing for the revision petitioner and Mr.M.Kavikannan, learned counsel appearing for the respondent.

6.Mr.D.Prasanth Nadaraj, learned counsel appearing for the revision petitioner contended that the child is not willing to meet his father and the trial Court, without enquiring the child, had given visitation rights to his father and therefore, the orders passed by the trial Court should be set aside. When the matter was taken up on 20.09.2022, this Court wanted to interact with the child Yogesh and the case was adjourned.

7.The child Yogesh is present before this Court today. When he was interacted by this Court, he informed that he is now aged 17 years and is studying XII standard in a school at Kumbakonam. He further added that he does not want to see his father as his father used to beat him up and



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his mother as well and that he had a very bitter experience with him.

Keeping the welfare of the child in mind, the visitation rights granted by the trial Court is set aside. It is also pertinent to point out that the child is now aged 17 years and in one year he will turn 18 years. Thereafter, he can take his own decisions.

8.In the circumstances, the orders passed in I.A.No.2 of 2002 by the learned Subordinate Judge, Jeyamkondam is set aside. It is also pertinent to point out that HMOP.No.144 of 2017 was transferred to the Family Court, Ariyalur and was renumbered FC.OP.No.68 of 2020. It was allowed on 14.10.2020 granting a decree of divorce to the revision petitioner.

9.The Civil Miscellaneous Petition is allowed. No costs.
Consequently, connected Civil Miscellaneous Petition is closed.

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Index: Yes/No

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Internet: Yes/No
Speaking/Non-Speaking order
mtl

R. HEMALATHA, J.
mtl

To

- 1.The Sub Court, Jeyamkondam.
- 2.The Family Court, Ariyalur.
- 2.The Section Officer, VR Section, High Court, Madras.

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