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CRP No.2279 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P. No.2279 of 2016

B.Aswathi ... Petitioner

Vs

J.Shankar ... Respondent

**Prayer:** Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair order and decreetal order dated 29.04.2016 made in I.A.No.2720 of 2015 in O.P.No.3121 of 2014 on the file of the II Additional Judge, Family Court at Chennai.

For Petitioner : Mr.B.R.Balasubramanian

For Respondent : M/s.D.Kamachi

### **ORDER**

This Civil Revision Petition has been filed to set aside the fair order and decreetal order dated 29.04.2016 made in I.A.No.2720 of 2015 in H.M.O.P.No.3121 of 2014 on the file of the II Additional Judge, Family Court at Chennai, thereby ordered visitation right in favour of the respondent once in a week.



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2. The petitioner is the wife of the respondent herein. After their marriage, they gave birth to a female child on 01.07.2013. Due to misunderstanding between them, she was living separately with her child. Therefore, the respondent filed a petition in H.M.O.P.No.3121 of 2014 on the file of the VI Additional Family Court, Chennai, for restitution of conjugal rights. Thereafter, the petitioner also filed a petition for divorce on the ground of cruelty and it is pending.

3. Pending divorce petition, the respondent filed interim application in I.A.No. 2720 of 2015 seeking visitation right of his minor daughter. The same was allowed and the respondent was permitted to visit his child every Sunday at 12.00 p.m. to 6.00 p.m. at the petitioner's residence. Aggrieved by the same, the petitioner preferred Civil Revision Petition.

4. The learned counsel appearing for the petitioner would submit that this Court had modified the order and permitted the respondent to visit his child once in a month in Nexus Vijaya Mall, Vadapalani, Chennai. It is further submitted that it is very difficult to meet the minor child in the Mall every week and it is a costly affair.



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5. The learned counsel appearing for the respondent would submit that the petitioner is living with another man and as such, she is not allowing the respondent to see his child.

6. Considering the above facts and circumstances of the case, order dated 29.04.2016 made in I.A.No.2720 of 2015 in H.M.O.P.No.3121 of 2014 on the file of the II Additional Judge, Family Court, Chennai, is hereby modified to the effect that the petitioner shall bring the minor child to Murugan Temple, Vadapalani, Chennai, during the last Sunday of every month at about 3.00 p.m., to 6.00 p.m., till the disposal of the divorce petition in H.M.O.P.No. 3124 of 2014. The Trial Court is directed to dispose of the H.M.O.P. No.3124 of 2014 within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, this Civil Revision Petition is disposed of. No costs.

08.12.2022

Index : Yes/No  
Internet : Yes/No  
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To

The II Additional Judge,  
Family Court, Chennai



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**G.K.ILANTHIRAIYAN,J.**

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