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C.R.P. (PD) No.1925 of 2022
and C.M.P. No.9813 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.1925 of 2022
and C.M.P. No.9813 of 2022

Mageshkumar Venugopal	...	Petitioner
	<i>versus</i>	
Manju Kondasamy Narayanasamy	...	Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 20.04.2022 passed in I.A.No.4 of 2022 in I.A.No.409 of 2018 in G.W.O.P.No.1461 of 2016 on the file of the learned Additional Principal Family Judge, Coimbatore.

For Petitioner : M/s.V.Anuradha

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Additional Principal Family Judge, Coimbatore, dated 20.04.2022 made in I.A.No.4 of 2022 in I.A.No.409 of 2018 in G.W.O.P.No.1461 of 2016.



2. The revision petitioner is the father of the minor children, namely, Madhav and Meera. The respondent, who is the mother of the minor children has filed G.W.O.P.No.1461 of 2016 seeking custody of the children and as of now, the children are under the custody of the mother. Pending G.W.O.P., the present revision petitioner has filed a petition in I.A.No.409 of 2018 for visitation rights. The said petition was disposed of by the learned Additional Family Judge, Coimbatore, by passing the following order;

“7.Finally this petition is partly allowed and directing the respondent to show the minor children Madhav and Meera once in a weekend through Skype and also the respondent should bring her children for every hearing when she comes to the court and should show to the petitioner.”

3. Thereafter, the father of the children filed I.A.No.4 of 2022 by alleging that the order passed in I.A.No.409 of 2018 was not obeyed and hence, the contempt proceedings should be taken against the respondent. The said petition was dismissed. Aggrieved over that, the petitioner has filed the present Civil Revision Petition.



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4. The learned counsel for the petitioner submitted that despite there is an order in I.A.No.409 of 2018, wherein it is stated that the children should be allowed to interact with the father through Skype on every Sunday by 7.00p.m. for one hour, they were not permitted and they would just appear on the screen for few minutes and disappear.

5. The minor children of the parties are twin children and they are 7 years old. Unless the children by themselves present in the video mode to interact with their father and the father also engages the children effectively by making them not to withdraw soon, the respondent cannot be blamed. The children used to run here and there and they cannot be compelled to stand before the camera. The learned trial Judge has rightly observed that it would take time for the children to develop casual conversation with their father and the father has to take efforts to win over the love and affection of his children by his conduct, behaviour and approach. In the said circumstances, I do not find any wilful violation of the order of the Court. Hence, no contempt proceedings can be taken against the respondent by presuming that she had willfully disobeyed the order of the Court. Hence, I do not find ground for interference.



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6. Accordingly, this Civil Revision Petition is dismissed and the order dated 20.04.2022 passed by the learned Additional Principal Family Judge, Coimbatore in I.A.No.4 of 2022 in I.A.No.409 of 2018 in G.W.O.P.No.1461 of 2016 is hereby confirmed. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

24.06.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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To

The Additional Principal Family Judge,
Coimbatore.



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R.N.MANJULA, J.

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