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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:**22.04.2022**

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**
**AND**
**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**C.M.A(MD)No.219 of 2021**
**and**
**C.M.P(MD)No.1874 of 2021**

Mrs.C.Umamaheswari ... Appellant/Respondent/Respondent

.vs.

S.R.Jeyaganesh ... Respondent/Petitioner/Petitioner

**PRAYER:** Appeal filed under Section 47 of the Guardians and Wards Act, against the fair and decreetal order dated 30.12.2020 passed by the Family Court, Madurai in I.A.No.121 of 2020 in G.W.O.P.No.698 of 2019.

For Appellant :Mr.S.Ramu
For Respondent :Mr.S.Muniyandi

**JUDGMENT**
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**R.SUBRAMANIAN, J.**
**AND**
**N.SATHISH KUMAR, J.**

By consent of parties, the appeal itself is taken up for final disposal.

2. Challenge in this appeal is to the order granted in I.A.No.121 of 2020 in G.W.O.P.No.698 of 2019 by the Family Court, Madurai, dated 30.12.2020, conferring certain visitation rights on the father. G.W.O.P.No.698 of 2019 was filed by the husband seeking custody of the person of the minor child Sachin. Pending the same, the husband sought for interim custody during vacation holidays and weekends. Though it was opposed, the learned Judge, upon a consideration of the facts and the welfare of the child, granted interim visitation rights allowing the father to take the child between 8.00 a.m., and 9.00 a.m., on every second and fourth Saturday and be with him till 5.00 p.m., and 6.00 p.m., on Sunday. In order to facilitate the handing over of the child, the learned Judge, fixed the venue at South entrance of Sri Meeankshi Amman Temple, Madurai. The wife has come up with this appeal challenging the said order.

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3. The only grievance of the learned counsel for the appellant is that the wife is now working at Sastra University at Thanjavur and she has also sufferred a fracture. Therefore, she was unable to travel to Madurai and hand over the child at Madurai. He would submit that the appellant is ready to hand over the child at Thanjavur.

4. Though the learned counsel appearing for the husband would initially express certain hesitation, after some persuasion by the Court, he would agree to take the child at Thanjavur and drop the child back at Thanjavur.

5. In view of the same, the order of the Family Court, Madurai, dated 30.12.2020 made in I.A.No.121 of 2020 in G.W.O.P.No.698 of 2019, is sustained. But, the venue alone is modified as 'Entrance of the Big Temple, Thanjavur, instead of 'South Entrance of Sri Meenakshi Amman Temple, Madurai'

6. This Civil Miscellaneous Appeal is disposed of accordingly. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)

pm

To

1.The Judge,
Family Court,
Madurai.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.RAMU, Advocate ( SR-20789[F] dated 25/04/2022 )

**JUDGMENT MADE IN**
C.M.A(MD)No.219 of 2021
**22.04.2022**

MK/16.05.2022/2P/5C

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