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C.R.P (MD) No.1608 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

C.R.P (MD) No.1608 of 2022

and

CMP (MD) No.6969 of 2022

Sinduja ... Petitioner
Vs

Renganathan ... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decreetal order passed by the Additional District Judge, Virudhunagar in I.A.No.6 of 2022 in I.A.No.1 of 2022in GWOP.No.8 of 2021 and set aside the same by allowing this civil revision petition.

For Petitioner : Mr.G.Mariappan

For Respondent : Mr.J.Suresh Kumar

ORDER

This civil revision petition is filed as against the order passed by the Additional District Judge, Virudhunagar in I.A.No.6 of 2022 in I.A.No.1 of 2022in GWOP.No.8 of 2021.



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2.The marriage between the petitioner and the respondent was solemnised on 14.11.2013. Due to misunderstanding between them, they are living separately. The petitioner filed a petition in HMOP.NO.115 of 2021 before Sub Court, Virudhunagar for dissolution of marriage. The respondent filed a petition in GWOP.No.8 of 2021 before the Additional District Court, Virudhunagar seeking for the custody of the minor son namely, R.Vihaan and he has also filed an application in I.A.No.1 of 2022 seeking interim custody of the minor son. He has subsequently filed an I.A.No.6 of 2022 in I.A.No.1 of 2022 seeking visitation rights. The said application was disposed of permitting the respondent to visit the child on 2nd and 4th Sundays in any of the place fixed by both parties or in VOC Park, Coimbatore in between 10.00am and 6.00pm until further orders. Aggrieved over the same, the present civil revision petition is filed.

3.The learned Counsel for the petitioner submits that the respondent is inculcating negative thinking in the mind of the minor child against the suggestion of the petitioner and he is not following the moral values. If it is allowed



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petitioner and the respondent are living separately.

The wife has filed the application for divorce and the respondent has filed an application for custody of the child. As an interim arrangement, the trial Court has granted interim relief of visitation right to the respondent on second and fourth Sundays between 10.00 am and 6.00 pm. As against the order of the trial Court, the petitioner is before this Court.

7.The grievance of the petitioner is that the respondent under the guise of visiting his child, is bringing all his relatives and attempting to influence the child.

8.The apprehension of the petitioner is unwarranted since the visitation of the child is fixed on second and fourth Sundays only. Considering the age of the child and he being a school going child, this Court modifies the time as between 10.00am and 1.00pm on second and fourth Sundays and the place as VOC Park, Coimbatore for the respondent to visit the child. If the parents of the respondent or any other wishes to visit the child, they can look at the



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child from a distance place. This is only an interim arrangement pending the GWOP.

9.The Civil Revision petition is disposed of on the above terms and the impugned order is modified to the extent above. Considering the facts and circumstances of the case, the trial Court is directed to dispose of the proceedings in GWOP 8 of 2021 as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition also stands closed.

05.08.2022

dsk

To

The Additional District Judge,
Virudhunagar



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B.PUGALENDHI, J.

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