

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Thirtieth day of September Two Thousand
and Twenty Two

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP (MD)No.7726 of 2022
in
CRP (MD)No.1608 of 2022

R.Renganathan ... Petitioner/Respondent

Vs

Sindhuja ... Respondent/Petitioner

Prayer in CMP(MD)No.7726 of 2022 :- Civil Miscellaneous Petition is filed under Section 151 of C.P.C., to modify the final order dated 05.08.2022 passed in C.R.P.(MD)No.1608 of 2022.

Prayer in CRP(MD)No.1608 of 2022:- 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 2022 in GWOP.No.8 of 2021 and set aside the same by allowing this Civil Revision Petition.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.V.Meenakshisundaram, Advocate for the Petitioner and of Mr.G.Mariappan, Advocate for the Respondent, this Court made the following order:-

This civil miscellaneous petition is filed to modify the order passed by this Court in CRP(MD)No.1698 of 2022, dated 05.08.2022, regarding the visitation rights granted to the respondent.

2.The learned Counsel for the petitioner submits that during the visitation session, the revision petitioner / wife has videographed the entire session and has not allowed the petitioner to spend the quality time with her minor son. He further submits that the petitioner's parents are also to be permitted to spend time with the minor child.

3.The visitation right is granted by the trial Court only as an

interim arrangement, pending disposal of the proceedings in GWOP filed by the petitioner before the Additional District Court, Virudhunagar. The trial Court has granted the interim relief of the visitation right to the respondent/ father of the child to spend time with the child on 1st and 4th Sundays of every month from 10.00 am to 4.00pm.

4.The respondent wife has approached this Court in CRP(MD) No.1608 of 2022 that the studies of the child is affected by the interim order granted by the trial Court. Considering the age of the child and also he being a school going child, this Court vide order dated 05.08.2022 modified the order of the trial Court on the time and place of the visitation from 10.00am to 1.00pm on 1st and 4th Sundays of every month at VOC park, Coimbatore, as suggested by the petitioner and agreed by the respondent.

5.One of the grievances of the respondent/ wife is that the parents of this petitioner are the cause for all disputes and they are also attempting to influence her. His natural guardian, the petitioner is entitled for visitation right, but the same cannot be extended to the parents and other relatives. Therefore, this Court passed the earlier order on 05.08.2022 fixing the place of visit at VOC park, Coimbatore as suggested by the petitioner and as agreed by the respondent.

6.Considering that the minor child is a school going student this Court restricted the visitation time from 10.00am to 1.00pm. It is only an interim arrangement. This Court has also issued a direction to the trial Court to conclude the GWOP proceedings as expeditiously as possible within a period of six months from the date of receipt of a copy of the order.

7.In view of the above, this Court is not inclined to modify the earlier order dated 05.08.2022 of this Court. However, as suggested by the parties on either side, the place of visitation shall be Saradha Beedam Temple, Coimbatore, instead of VOC park, Coimbatore. The respondent shall not create any disturbance with the petitioner by recording their visiting session.

8.Accordingly this petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/10/2022

Sub Assistant Registrar(CS)

TO:

The Additional District Judge,
Virudhunagar.

+ 1 CC to M/s.G.Mariappan, Advocate, SR.No.48082

ORDER DATED : 30/09/2022

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ORDER

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CMP(MD)No.7726 of 2022

in

CRP(MD)No.1608 of 2022

Giving direction and etc.
as stated within.

RD(10/10/2022) 3P 3C