



WEB COPY



C.M.A.No.1475 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM:

THE HONOURABLE MR JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS JUSTICE R.KALAIMATHI

C.M.A.No.1475 of 2023

and

C.M.P.No.15109 of 2023

S.P.Janagan

...Appellant

Vs.

S.Premalatha @ Meenakshi

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, against the order dated 30.06.2022 made in I.A.No.1 of 2019 in O.P.No.4032 of 2019 on the file of the VII-Additional Family Court, Chennai.

For Appellant : Mr.V.T.Balaji

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The order under challenge in the appeal is one permitting the appellant / husband to visit the child at the Child Care Centre in the Family



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Court premises, Chennai on 3rd Saturday of every month between 10.30 a.m to 01.00 p.m till disposal of the main Original Petition, which is one for divorce.

2.We have heard Mr.V.T.Balaji, learned counsel for the appellant / husband.

3.Mr.V.T.Balaji, learned counsel would contend that the appellant should be allowed to meet the child more frequently so that the bonding between the father and the son will get strengthened. He would also point out that the prayer in his petition is to take the child to his house for a day on every Sunday. The learned family judge having considered the welfare of the child and the facts and circumstances, come to the conclusion that the visitation for one day in a month for about 2 ½ hours would be sufficient in the circumstances of the case.

4.We do not think, we can interfere with the discretion exercised by the Family Court, which has the advantage of seeing the parties as well



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as the child. Interference in such discretion would only amount to more cruelty to the child, who will be forced to sit within the four walls in the Child Care Centre in the Family Court for hours, just to satisfy the ego of the fighting parents. Hence, we do not see any reason to interfere with the order of the Family Court. This Civil Miscellaneous Appeal therefore, fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.,J.) (R.K.M.,J.)

17.07.2023

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

To:-

The VII-Additional Family Court,
Chennai.



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and
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KKN

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