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C.M.P. No.6866 of 2023 in
C.R.P. No.4367 of 2023

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N.SESHASAYEE, J.

This revision is preferred by the wife of the respondent. The backdrop in which this C.R.P. arises is now stated.

2. The respondent/husband of the revision petitioner had laid H.M.O.P. No.1757 of 2017 before the VI Additional Family Court, Chennai, for dissolution of his marriage with the revision petitioner. During the pendency of this petition, he took out I.A. No.1703 of 2017 for seeking interim custody of their 2½ years son. This was allowed by the Family Court and the custody of the child was given to the respondent herein vide order dated 24.11.2017. This order is in challenge in this C.R.P.

3. On 27.11.2017, this court has allowed the C.R.P. and ordered that the child be in the custody of the revision petitioner, the mother of the child. Vide the same order, this court granted visitation right to the father on every Saturday between 2.00 p.m till 6.00 p.m on every Sunday. Later this order was set aside for the reasons stated in that order. Thereafter, by



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the father when he is permitted to be with the child between 3.00 p.m and 6.00 p.m on Sunday at B.S.R. Mall, Thoraipakkam, Chennai. This order is working well till date.

4. While so, the revision petitioner has moved this petition seeking some modification to enforce the order dated 10.08.2022. She would now submit that she is working in a multi national I.T. company, that for an on-site project she is required to be in the United States for one year, and that since the child is barely 8 years, she proposes to take him with her, and seeks permission of this court to travel along with her child to the United States and also modification of the visitation right granted earlier.

5. Per contra, the learned counsel for the respondent made a statement on instructions of his client that while the respondent is not averse to his son travelling with the mother to the United States, his apprehension is that in the eventuality of the mother settling down in the United States, he might lose his access to see his son permanently. This apart, he also made a statement that in the eventuality of the respondent travelling to the United States, he may be given physical access to his son in terms of the order of this court dated 10.08.2022 giving him the visitation right.



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6. The learned counsel for the respondent submitted that the petitioner is not averse to let the respondent have physical access to his son in the eventuality of he travelling to the United States.

7. This court appreciates the maturity with which both sides deal with the interest of their child and their anxiety to respect the orders of the court despite their matrimonial discord.

8. After carefully weighing the rival contention and the stand taken by both the parties, this court considers it appropriate to let the petitioner takes her son along with her to the United States during the period when she will be in the United States for her on-site project. This requires the court to modify its earlier order conferring visitation right on the respondent and grants him the right to spend his time with his son through video conferencing, at the time convenient to both sides, since both will be living in different time zones. If there is any difficulty in working this arrangement, any one of the parties may approach this court for appropriate orders.



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9. So far as the second part of the submission of the learned counsel for the respondent is concerned, in the eventuality of the respondent travelling to the United States, inasmuch as the petitioner has agreed to let the respondent have physical access to the boy, this court does not want to make a specific order except recording the said statement. Even here, if any difficulty is felt, which the parties could not resolve with or without the assistance of their respective counsel, any one of the parties can approach this court for appropriate orders.

10. The civil miscellaneous petition is disposed of accordingly.

30.03.2023

Asr/-



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Dated : 30.03.2023