



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.2128 of 2022

and

C.M.P.No.10990 of 2022

M.Kavitha Mary

... Petitioner

Vs.

J.Antony Jerald Joseph

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Docket order passed by the Hon'ble Family Court at Chengalpattu dated 23.04.2021 in I.A.No.3 of 2019 in FCIDOP.No.16 of 2019.

For Petitioner

: Mrs.C.Alagu Bhavani
For Mr.K.Thenrajan

For Respondent

: Mr.P.Paul Selvam

ORDER

The Civil Revision Petition has been filed against the Docket order dated 23.04.2021 passed by the Family Court at Chengalpattu in I.A.No.3 of 2019 in FCIDOP.No.16 of 2019.



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2. The marriage between the petitioner and the respondent was solemnized on 17.09.2015 as per the Christian Rites and Customs. A female child born from and out of the wedlock between the petitioner and the respondent and now aged about 6 years. The minor girl child is now with the custody of the petitioner, who is the mother. Due to misunderstanding, the petitioner and the respondent are living separately. The petitioner is residing at Chengalpet and the respondent is residing at North Koratoor, Chennai. The petitioner/wife filed I.D.O.P.No.16 of 2019 for divorce, which is now pending on the file of the Family Court at Chengalpet. The respondent/husband filed an Interlocutory Application in I.A.No.3 of 2021 in FCIDOP.No.16 of 2019, seeking Visitation rights to visit the minor girl child. The Family Court, Chengalpet, adjudicated the issues and granted visitation right to the respondent to visit the minor child on every Sunday from 10 a.m to 1 p.m (3 hours). Challenging the said order, the petitioner/wife filed the present Civil Revision Petition, raising certain allegations against the respondent.

3. The matrimonial dispute between the petitioner/wife and the respondent need not be a bar for granting visitation right to the husband, who is the father of the minor child. Contrarily, the visitation right may pave way



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for resolving the matrimonial issues and more so, the respondent being the father of the minor child, is entitled to have visitation right.

4. The Trial Court considered the issues and granted the visitation right in favour of the respondent and this Court do not find any infirmity in respect of the order passed by the Family Court, Chengalpet, granting visitation right to the respondent/father.

5. The learned counsel for the revision petitioner made a submission that the frequency may be reduced. However, the learned counsel for the respondent raised an objection by stating that the Family Court, Chengalpet granted visitation right for every Sunday and the same may be allowed.

6. This Court is of the considered opinion that the respondent being a father, is entitled to claim visitation right and there is no infirmity in respect of granting such visitation right on every week and in the present case, the time and venue to exercise visitation right alone is to be modified. Accordingly, the respondent is at liberty to visit the minor child at Chengalpet in St. Joseph Church between 4.00 pm and 7.00 p.m (3 hours) every Sunday.

7. The petitioner/wife is directed to bring the minor child to St. Joseph



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Church, Chengalpet at 4.00 p.m on every Sunday and allow the respondent to meet and talk with the child. The petitioner is directed not to create any unnecessary dispute, while exercising the visitation right by the respondent.

8. The respondent, who appears in person, undertakes that he will settle the arrears of maintenance amount for 13 months on or before 04.02.2023 and if any difficulty arises in the matter of exercise of visitation right by either of the parties, they are at liberty to approach this Court by filing an appropriate petition.

9. With this liberty, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.02.2023

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Index : Yes
Speaking order
Neutral Citation : Yes

To

1.The Family Court,
Chengalpattu.

S.M.SUBRAMANIAM, J.



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