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CRP No.1658 of 2023
and CMP.No.10838 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

C.R.P.No.1658 of 2023
and
C.M.P.No.10838 of 2023

E. Venkatesan

... Petitioner

Versus

V. Sowmiya

... Respondent

Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the fair and decreetal order passed in I.A.No.1 of 2022 in HMOP.No.12 of 2022 dated 13.02.2023 on the file of the Court of Principal Subordinate Judge, Chengalpattu and allow the said I.A. by allowing this Civil Revision Petition.

For Petitioner : Mrs.P.Srividhya

For Petitioner : Mr.G.Santhosh Kumar

ORDER

The petitioner has filed this petition to set aside the fair and decreetal order passed in I.A.No.1 of 2022 in HMOP.No.12 of 2022 dated 13.02.2023 on the file of the Court of Principal Subordinate Judge, Chengalpattu.

<https://www.mhc.tn.gov.in/judis> 2. The learned counsel appearing for the revision petitioner submitted



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that the petitioner has filed I.A.No.1 of 2022 in HMOP.No.12 of 2022 before the Principal Subordinate Court, Chengalpattu seeking permission to visit his child two days every week but the trial Court has dismissed the application stating that the conduct and attitude of petitioner/father would influence and have serious ill impact over the mind of Child and affect future prospects. She further submitted that the petitioner/father has right to visit his child and the child requires the comfort of both the parents and that the petitioner seeks only visitation rights and not custody of the child.

3. The learned counsel for the respondent submitted that the petitioner sought for dissolution of marriage solemnised between the petitioner and the respondent and that the petitioner did not evince any interest in the child for the last three years and now interested in separating the child from the custody of the respondent with an intent to harass the respondent/wife. He further submitted that the petitioner totally ignored the respondent/wife and child and now has come forward with the present petition to escape from the payment of maintenance to the minor and the respondent only. Hence he opposed to grant visitation right to the petitioner.

4. Heard both side and perused the materials available on record.



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5. It is admitted that the mother is taking care of the minor child and she is bestowing all her attention, love and affection for the minor son. The petitioner being the father of the minor child, he is entitled to have visitation right but the respondent/wife is not allowing the petitioner/father to see the child. However, considering the welfare of the child, the petitioner/father is entitled to visit the child on every Wednesday and Friday between 3:00 p.m. to 5:00 p.m. at Legal Services Authority, Chengalpattu. Father also directed to pay interim maintenance of Rs.8,000/- to child until modification of the Court below. The respondent/wife is directed to make the child available in the above said place and time without any fail.

6. With these observations, the Civil Revision Petition is disposed of and the order passed by the learned Principal Subordinate Judge, Chengalpattu in I.A.No..I.A.No.1 of 2022 in HMOP.No.12 of 2022 dated 13.02.2023 is hereby set aside. Consequently, the connected C.M.P is closed.

No costs

08.11.2023

Index : Yes/No
Speaking/Non Speaking order
Issue order copy today on 09.11.2023

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T.V.THAMILSELVI, J.

dpq

To

1. The Principal Subordinate Court,
Chengalpattu

2.The Legal Services Authority,
Chengalpattu.

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