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A.No.3129 of 2023

A.No.3129 of 2023
in O.P.No.631 of 2022

K.KUMARESH BABU,J.

The above captioned application had been filed by the father of the minor child to visit the minor child in person once in a month or twice in a month or first Sunday of every month as fixed by this Court either in Chennai or in Kerala.

2.When the matter was taken up for hearing, the learned counsel appearing on behalf of the respondent/ mother submitted that it would be difficult for her to come to Chennai. But, however, she would have no objection in the applicant/ father coming to Kerala to visit the minor child on the first Sunday of every month. He would also further make a request that the applicant and the respondent have two children named Vivan and Vihan and that the minor child Vihan is in the custody of the respondent and Vivan is in the custody of the applicant. Therefore, he would also seek indulgence of this Court to direct the respondent to bring the other minor



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child in his custody and permit the respondent to have the custody, on the first Sunday, when the applicant visits the minor child Vihan in her custody.

3.It is an unfortunate case where the children, who are born as twins have been separated and their custody is with the applicant and the respondent. A non-custodial parent is entitled to have a visitation rights of the child in custody of the other parent. In the present case, one child is with the applicant and the other child is with the respondent. It has been also brought to the notice of this Court that the respondent had taken out an application for custody of the child with the applicant in Kerala and the same is pending.

4.Since, a non-custodial parent has a right of visitation of the child. I am of the view that, in the interest of the justice and also the no objection of the respondent to permit the applicant to have the visitation rights of the minor child Vihan, the applicant is permitted to visit the minor child Vihan



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Note: Issue order copy today.

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28.06.2023