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C.R.P.(NPD)No.3840 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.08.2023

Coram

The Hon'ble Mrs.Justice V.Bhavani Subbaroyan

C.R.P.(NPD)No.3840 of 2022

Mr.P.K.Mohamed Muyeenuddin

... Revision Petitioner

Vs.

Mrs.Farzana Muyeenuddin

... Respondent

Civil Revision Petition filed under Section 115 of Code of Civil Procedure to modify the order passed by the learned VII Additional Judge, Family Court, Chennai, in I.A.No.1 of 2022, in O.S.No.23 of 2022, on 25.08.2022.

For Revision Petitioner : Mr.K.Rajasekaran

For Respondent ; Mr.W.Camyles Gandhi

ORDER

The present Civil Revision Petition arise out of an order passed by the learned VII Additional Judge, Family Court, Chennai, in I.A.No.1 of 2022, in O.S.No.23 of 2022, dated 25.08.2022, whereby, the Interlocutory Application filed by the revision petitioner/husband was partly allowed.



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2. The brief facts of the case, which led to the filing of this Petition are as follows-

i) The revision petitioner/plaintiff/husband filed a suit in O.S.No.23 of 2022, to declare the marriage solemnized between him and respondent/defendant/wife as null and void, based on a Talaq (Divorce) Letter, dated 15.12.2021, entered and effected into between them, as per the Muslim Law. Pending the suit, the revision petitioner/husband filed an Interlocutory Application, seeking for visitation rights of his minor sons, i) P.K.Mohamed Arman and ii) P.K.Mohamed Afzan.

ii) The suit was decreed on 25.08.2022, and marriage solemnized between the plaintiff and the defendant was dissolved and Talaq (Divorce) Letter, dated 15.12.2021, effected into between them is held to be valid. Pursuant thereto, the Interlocutory Application filed by the revision petitioner/husband seeking visitation right of his two children was also partly allowed, by order, dated 25.08.2022, and it would be apposite to reproduce the relevant portion of the order passed thereunder, which is extracted hereunder:-

“That, this Petition be partly allowed, and the petitioner shall have the visitation right over his sons, P.K.Mohamed Arman and P.K.Mohamed Afzan. twice in a



month, i.e. on every first and third Saturday from 12.00 p.m. to 2.00 p.m. at the Child Care Centre attached to Family Court, Chennai."

iii) Aggrieved by the said order, dated 25.08.2022, the husband has filed the present Revision Petition, seeking modification of the same.

3. When the Revision Petition was taken up on earlier occasion, i.e. on 25.07.2023, since this Court found that the dispute is with regard to the entitlement of revision petitioner/father to have visitation rights of his children, and after all what the revision petitioner/father seeks is to see his two sons, this Court felt that the same could be resolved, if the children appear before this Court. Hence, this Court adjourned the matter to 02.08.2023 (i.e. today) and directed the children of the revision petitioner to be present before the Chamber on 02.08.2023, at 2.15, so as to consider the claim made by the father.

4. As per the aforesaid direction, both the children, P.K.Mohamed Arman and P.K.Mohamed Afzanas well as their parents, viz., the father/revision petitioner and mother/respondent appeared before me in the Chamber and after some arguments and negotiations between the parties and after hearing



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Mr.K.Rajasekaran, learned counsel appearing for the revision petitioner/husband and Mr.W.Camyles Gandhi, learned counsel for the respondent, this Court is of the view that, it would be suffice, if the Civil Revision Petition is disposed of issuing certain directions. Accordingly, this Civil Revision Petition is disposed of with the following directions :-

i) The revision petitioner, viz., father shall meet his two children' twice in a Month, i.e. during 1st and 3rd Saturday at 3.00 p.m. to 6.00 p.m.in any Coffee Shop available at Phoenix Mall, at Velachery and the children shall be accompanied by their mother during such visitation and the father/revision petitioner is also at liberty to see his children in the venue, as mentioned in this para, whenever he comes from abroad, particularly, during December;

ii) During such visiting hours, it is made clear that neither of the parties shall talk/share about the past events of their married life or bitter experience they had with each other to their children and thereby, indulge in any quarrel,



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culminating in untoward incidents. In short, both the parties shall maintain decency in public place instead of creating any commotion.

iii) Revision Petitioner is also at liberty to speak to his two children, by whatever modes of communication available, for instance, phone call/whatsapp call/video call, when there is no visitation rights and the same shall not be restrained by the respondent/mother, but, simultaneously, it is made clear that the revision petitioner shall not disturb the children during their School time, especially, during their exam time, spoiling the children studies.

iv) The revision petitioner is directed to pay a sum of Rs.1,50,000/-each to his two sons towards their educational expenses every year. If the revision petitioner is inclined to pay more than the said sum, it is left open to him to do so, as per his financial capacity and he shall also render all possible financial support till his children complete their studies and begin to stand on their own legs.



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5. With the above direction, this Civil Revision Petition is disposed of, as already stated above. No costs.

02.08.2023

Index : Yes/No
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To
VII Additional Judge,
Family Court, Chennai,



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V.Bhavani Subbaroyan,J.,

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