



C.R.P.(NPD)No.3635 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P(NPD)No.3635 of 2019

Anuradha

... Petitioner

VS

K.Senthil

.. Respondent

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 20.05.2019 passed by the learned I Additional Principal Judge, Family Court, Chennai in I.A.No.3458 of 2017 in O.P.No.2716 of 2015.

For Petitioner : Mr.Packianathan Easter

For Respondent : Mr.G.Ravikumar

### **ORDER**

This revision arises against an order of the I Additional Family Judge, Chennai in I.A.No.3458 of 2017 in O.P.No.2716 of 2015. The admitted case is that the petitioner and the respondent were husband and



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wife. They presented FCOP.No.2716 of 2015 for dissolution of marriage by mutual consent. One of the terms of the mutual consent was that the father can visit the child once in every 15 days on Sunday at the residence of the wife.

2.Alleging that the husband has never utilised the visitation rights given to him, a petition was filed by the wife to revoke the visitation rights or in the alternative to pass appropriate orders. The petition was predicated on the ground that it is the interest of the child that the father does not visit. The learned trial Judge dismissed the application by an order dated 20.05.2019. Seemingly aggrieved over the same, the present revision has come before me.

3.I heard Mr.Ramprasad, learned counsel appearing for the petitioner and Mr.M.Yuvaraj, learned counsel appearing for the respondent.

4.I am afraid, I am not with the petitioner. The interest of the child is that the child should know who her parents are and should be in a position to enjoy the affection of both the parents. In the war between the mother and father, the child must not become a victim. Therefore, the stand that if the child does not see the father, it will be in the interest of the child does not appeal to me even one bit.



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5.The father has filed a counter affidavit stating that he is regularly visiting the child and wants to continue to enjoy the said benefit.

6.At this stage, the learned counsel appearing for the petitioner would submit that on account of the visitation rights having been granted to the father, the mother is unable to take the child abroad. If the mother wants to take the child abroad, she can always move the Family Court by way of an application seeking for modification of the terms of visitation for the period she is taking the child abroad. It is always open to the Court to pass appropriate orders in the change of circumstances. However, on the ground on which the petition has been filed, I am not convinced, I am dismissing the revision. Accordingly, this civil revision petition is dismissed. No costs.

**09.08.2023**

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

vs

To

The I Additional Principal Judge,  
Family Court, Chennai



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**V. LAKSHMINARAYANAN,J.**

VS

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