



CRP(MD).No.171 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

CRP(MD).No.171 of 2020 and
CMP(MD).No.1001 of 2020

P.Subashini

... Petitioner

-Vs-

P.Palaniappan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order, dated 18.12.2019 made in I.A.No.261 of 2019 in I.A.No.159 of 2019 in HMOP.No.24 of 2019, on the file of the Additional District Judge, Fast Track Court, Kumbakonam, Thanjavur District.

For Petitioner	: Ms. S. Praba
For respondent	: Mr. J. Parthasarathy



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ORDER

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The Revision Petitioner, who is the wife, has filed this revision against the fair and decreetal order, dated 18.12.2019 made in I.A.No.261 of 2019 in I.A.No.159 of 2019 in HMOP.No.24 of 2019, on the file of the Additional District Judge / Fast Track Court, Kumbakonam, Thanjavur District.

2. The marriage between the petitioner and respondent was solemnized on 06.06.2008 as per Hindu Rites and Customs. Out of the said marriage, the couple have twin children, who are aged about nine years, as on date. The respondent has filed HMOP.No.24 of 2019 for dissolution of marriage and he has also filed a guardian OP in GWOP.No. 23 of 2019 in HMOP.No.24 of 2019. The respondent had also filed I.A.No.159 of 2019, which came to be allowed by the Additional District Judge / Fast Track Court, Kumbakonam on 07.11.2019. Certain reliefs were granted and certain reliefs prayed for were rejected in the said Interlocutory Application. The revision petitioner herein, who is the respondent in I.A.No.159 of 2019 was directed to permit the respondent and his parents to visit the minor children for a day or two at



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Kumbakonam. Further, the petitioner was directed to show the children to the respondent and his parents on every 4th Saturday of every English Calender month at Athi Kumbaswarar Temple, Kumbakonam and that the respondent and his parents were permitted to take the children by 10.00 p.m. from the above said Temple and keep the children with them till 6.00 pm and hand over to the petitioner by 6.30 p.m., at the same premises. As the petitioner shifted her job to Chennai, the respondent has filed I.A.No. 261 of 2019 in I.A.No.159 of 2019 in HMOP.No.24 of 2019, which came to be allowed by order, dated 18.12.2019. More or less, the same order was passed except the venue changed to Arulmigu Kabalesswarar Temple, Mylapore, at Chennai. Against the aforesaid order, the petitioner has filed the present Civil Revision Petition.

3. Before the trial Court, the petitioner had filed a memo, dated 12.12.2019, wherein, she has stated that both the children are having low immunity and that they require treatment and therefore, the petitioner was willing to hand over the children to the respondent in any other place where the petitioner can also be present. Same was opposed by the respondent / husband.



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4. I have considered the arguments advanced by the learned counsel appearing on either side and perused the materials available on record.

5. The arguments appears to be that the respondent neglected the petitioner and the petitioner has single handedly brought up the children and was taking care of the children. It is further submitted that the respondent has merely contributed a sum of Rs.75,000/- after the petitioner and the respondent got separated.

6. The learned trial Judge while passing an order, dated 18.12.2016 in I.A.No.261 of 2019 merely modified the earlier order, dated 07.11.2019 passed in I.A.No.159 of 2019. It has become final. The petitioner had given explanation for not complying with the order, dated 07.11.2019 of the trial Court earlier, in view of out break of Covid-19 Pandemic during the month of March 2020.

7. Two years have been gone by since then. In my view there are no error in the impugned order passed by the Trial Court. The



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petitioner cannot use the children as a pawn to settle personal enmity with the respondent. Therefore, this Civil Revision Petition has to fail and the same is liable to be dismissed.

8. Accordingly, this Civil Revision Petition is dismissed with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

9. Considering the fact that the temples are also crowded and that there will not be proper supervision, the Petitioner is directed to produce the children before the the Sheristadhar, O/o. the Principal Family Court, the Child Care Centre attached to the Family Court, Chennai on every third Saturday of every English Calender Month at 10.00 am for being handed over to the respondent. The respondent shall hand over the children to the petitioner promptly at 5.00 p.m., on the same day in the presence of the Sheristadhar, O/o. the Principal Family Court, the Child Care Centre attached to the Family Court, Chennai.

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Index : Yes / No



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Internet : Yes/ No
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To

The Additional District Judge, Fast Track Court, Kumbakonam, Thanjavur
District..



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C.SARAVANAN,J.,

trp

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