



CRP(MD).No.283 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

CRP(MD).No.283 of 2021 and
CMP(MD).No.1656 of 2021

A. Ananthalakshmi

... Petitioner

-Vs-

Ganesan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against to set aside the order, dated 22.12.2020 in I.A.No.1 of 2019 in GWOP.No.159 of 2019 on the file of the Principal District Judge, Tiruchirappalli.

For Petitioner : Mr.B. Sekar

For respondent : Mr. A. Joel Paul Antony



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ORDER

The present Civil Revision Petition has been filed by the grand mother of the minor child against the fair and decreetal order, dated 22.12.2020 made in I.A.No.1 of 2019 in GWOP.No.159 of 2019 on the file of the Principal District Judge, Tiruchirappalli.

2. The above said GWOP and Interlocutory Application were filed by a grand mother and father of minor child respectively for guardianship of the minor child and for the visitation rights. The order passed by the Principal District Judge, Trichy, dated 22.12.2020 made in I.A.No.1 of 2019 is challenged by the grand mother of the minor child on the ground that the child is aged about 13 to 14 years and that the child is not willing to see her father / respondent herein. It is further submitted that the child has never interacted with the respondent / father as the custody was given to the petitioner within a period of six months of the birth of the minor child after the petitioner's daughter / minor child's mother / respondent's wife died by committing suicide.

3. The learned counsel appearing for the respondent submits



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that the respondent is entitled to meet the child and that he is willing to abide by the condition given by the Court below. It is submitted that the respondent has also not contracted the second marriage after the petitioner's daughter / minor child's mother / respondent's wife died by committing suicide. It is therefore submitted that the respondent should be allowed to meet the child in terms of the order passed by the Court below.

4. I have considered the arguments made by the learned counsel appearing on either side and perused the impugned order passed by the Court below.

5. The father is only guardian and therefore, he is entitled to atleast see and visit the child. The growth of a child will not be complete without the parents guidance, love and affection. As the child's mother is also no more, the child is entitled to have interaction with her father. Hence, I do not find any reason to interfere with the order passed by the Court below.

6. In the result, this Civil Revision Petition is dismissed. The



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petitioner shall co-operate with the respondent as and when the respondent seeks to visit his child in the custody of the petitioner. It is further made clear that the respondent shall intimate the petitioner before visiting the petitioner's house to visit the child. No costs. Consequently, the connected Miscellaneous Petition is closed.

14.03.2023

Index : Yes / No
Internet : Yes/ No
trp

To

The Principal Subordinate Judge, Tiruchirappalli.



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C.SARAVANAN,J.,

trp

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