



C.R.P(MD)No.641 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.641 of 2021

and

C.M.P(MD)No.3487 of 2021

Shanmugaraja @
Dass Prakash

... Petitioner/Respondent/
Respondent

-vs-

Meyammi @ Nithya

... Respondent/Petitioner/
Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the order dated 05.03.2021 passed in I.A.No.798 of 2019 in H.M.O.P.No.729 of 2019 on the file of the Family Court, Madurai and set aside the same.

For Petitioner : M/s.N.Rekha
for Mr.R.Gandhi

For Respondent : Mr.J.Barathan



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ORDER

This Civil Revision Petition is filed against the order, dated 05.03.2021 passed in I.A.No.798 of 2019 in H.M.O.P.No.729 of 2019 on the file of the Family Court, Madurai.

2. There is no merit in the challenge to the interim order passed by the Family Court in I.A.No.798 of 2019 in H.M.O.P.No.729 of 2019. The Family Court has merely given interim custody of the minor children to the respondent on every week of Saturday morning between 08.00 a.m., and 09.00 a.m., at the South entrance of Sri Meenakshi Amman Temple. No *prima facie* case has been made out to interfere with the impugned order passed by the Family Court in I.A. The respondent as a mother is entitled to have an interim custody of the minor children as ordered.

3. The relevant portion of the decree is extracted hereunder:

“that the parents of the respondent is directed to hand over the minor child Kanishka and Muthukumaran with the petitioner on the every weeks of Saturday morning between 08.00 a.m., and 09.00



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a.m., at the South entrance of Sri Meenakshi Amman Temple, Madurai, with the petitioner and the petitioner can have the interim custody of the children on Saturday and Sunday night and to hand over the children between 05.00 p.m., and 06.00 p.m., on Sunday with the parents of the respondent in the same South Entrance of Sri Meenakshi Amman Temple, Madurai, till the disposal of the main petition.”

4.The respondent/wife has filed H.M.O.P.No.729 of 2019 to dissolve the marriage and also prayed for a guardianship of the minor children in G.W.O.P.No. 845 of 2019. Hence, this Civil Revision Petition is dismissed. No costs. In case, the petitioner wants to settle the dispute with the respondent, it is always open to him to work out his remedy before the Family Court in H.M.O.P.No.729 of 2019. Consequently, connected miscellaneous petition is closed.

20.03.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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C.SARAVANAN, J.

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To:

The the Family Court,
Madurai.

Order made in
C.R.P(MD)No.641 of 2021
and
C.M.P(MD)No.3487 of 2021

Dated:

20.03.2023