



WEB COPY

CMP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Tenth day of May Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
and

The Hon`ble Mrs.Justice S.SRIMATHY

CMP(MD) No.4355 of 2023

IN

CMA(MD) No.502 of 2022

P.HAMEED FAROOQ

... Petitioner / Appellant

Vs

S.NADIYA MANZOOR

... Respondent / Respondent

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to direct the respondent to handover the custody of his children namely Master P.H. Aydin Thameez, Miss. P.H. Saleema Aidha and Miss. P.H. Sira Elham for the summer vacation 2023, in case of any failure on the part of the respondent direct the law enforcement agency namely the Inspector of Police, Vadasery Police Station to Secure my children from the hands of the respondent and hand over the same to him.

Prayer in CMA(MD). 502/ 2022 :

Civil Miscellaneous Petition filed under Section 19 of Family Court Act to set aside the Judgment and Decree dated 20.04.2022 passed in G.W.O.P. No. 217 of 2019 on the file of Family Court, Nagercoil, Kanyakumari and allow this Civil Miscellaneous Appeal.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.SANKARAN BALASUBRAMANIAN, Senior Counsel for M/S.R. ANAND, Advocate for the petitioner and of Mr.D.NALLATHAMBI, Advocate for the Respondent, the court made the following order:-

Heard the learned Senior Counsel appearing for the petitioner/appellant and the learned counsel appearing for the respondent.

2.The petitioner herein filed G.W.O.P.No.217 of 2019 before the Family Court, Kanyakumari District at Nagercoil. The respondent herein filed a suit in O.S.No.178 of 2021 seeking for restitution of conjugal rights. Both GWOP as well as the suit were tried together. The petitioner was directed to pay a sum of Rs.25,000/- towards maintenance for the children. The petitioner was also given weekly



visitation rights. It was further directed that during () as and summer vacation, the children will have to be with the father for a period of one and two weeks respectively. The grievance of the petitioner is that the visitation rights have been totally denied.

3. The learned counsel appearing for the respondent states that the petitioner has not complied with the direction to pay the maintenance amount for the children.

4. We note that vide order, dated 19.05.2022, the Division Bench of this Court had directed the petitioner to pay a sum of Rs.4,00,000/- instead of Rs.8,25,000/- towards arrears of maintenance. However, there is no such direction as regards the payment of Rs.25,000/- per month. The petitioner, through his learned Senior Counsel, gives an undertaking that he shall clear the arrears of maintenance.

5. In the meantime, we direct the petitioner to pay the arrears of maintenance and a sum of Rs.25,000/- per month towards maintenance, till the disposal of the Civil Miscellaneous Appeal.

6. The respondent has not filed any appeal challenging the order passed by the Family Court. We direct the respondent to permit the petitioner to take the children on 12.05.2023 and keep them with him for a period of two weeks. In other words, the respondent as well as her parents will conduct themselves, in such manner, so as to scrupulously comply with the visitation rights granted by the Family Court, Kanyakumari District at Nagercoil.

sd/-
10/05/2023

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11/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN/RM

To

1. The Judge,
Family Court, Kanyakumari District.

ORDER
IN
CMP(MD) No.4355 of 2023
IN
CMA(MD) No.502 of 2022
Date : 10/05/2023