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Cont.P.(MD) No.1844 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**Cont.P.(MD) No.1844 of 2022
in
C.M.P.(MD) No.4060 of 2022
in
C.M.A.(MD) No.146 of 2021**

Harisaravanan

... Petitioner

-vs-

H.Ananthalakshmi

... Respondent

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondent for the willful disobedience of the order passed by this Court in C.M.P.(MD) No.4060 of 2022 in C.M.A. (MD) No.146 of 2021, dated 21.07.2022.

For Petitioner : Mr.S.Srinivasa Ragavan
for Mr.S.Balakarthick

For Respondent : Mr.K.Rajesh Saravanan

Page 1 of 5



WEB COPY



Cont.P.(MD) No.1844 of 2022

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

This contempt petition has been filed alleging willful disobedience of the order, dated 21.07.2022, made in C.M.P.(MD) No.4060 of 2022 in C.M.A.(MD) No.146 of 2021.

2. The above civil miscellaneous petition was filed to grant visitation rights to the contempt petitioner permitting him to visit and take his minor daughter Srinithi during every weekend, school vacations, star birthday and Hindu festival days.

3. On 21.07.2022, this Court has passed the following order:

“9. Therefore, this Court is of the view that the petitioner is entitled to have visitation rights in respect of his minor daughter. Accordingly, there shall be an order of interim direction in the following lines:

“The petitioner is entitled to have visitation rights in respect of his minor daughter Srinithi, during first and third Saturday and Sunday of every month, till further orders. The petitioner shall take his minor Daughter from the house of the respondent on the first and third Saturday of every month at 10.00 a.m., and



WEB COPY



Cont.P.(MD) No.1844 of 2022

hand over the child to the respondent before 6.00 p.m., on the following Sunday of first and third week of every month. It is open to the respondent/wife to approach this Court for modification of this order, if she is aggrieved.”

4. Since the above visitation right has not been honoured by the respondent, the contempt petitioner is constrained to move the present contempt petition.

5. In order to ascertain the factual position, on 17.10.2023, we directed the parties to be present before this Court today. Accordingly, the respondent and her minor daughter Srinithi are present before this Court.

6. We examined the minor girl Srinithi, aged about 13 years and found that she is capable of understanding the factual position and answered our questions unhesitatingly. She is bold enough to face our questions and answered in clear and unambiguous terms. She expressed that she is not willing to meet her father / contempt petitioner and she has developed certain inhibits against him and the said mind set of the child need not be interfered by us, since it will affect her future growth.



WEB COPY

Cont.P.(MD) No.1844 of 2022

7. Child rights being a developed concept in our Nation, the rights of the child are to be respected and protected by the Courts. Mental health, education and the future of the minor children are to be taken into consideration while considering and granting visitation rights and any such right should not hurt the feelings of the minor children. Taking note of these principles, we find that there is no possibility as of now to direct the minor child to meet her father. If at all any change of mind is possible, then the parties are at liberty to go for conciliation in the pending civil miscellaneous appeal proceedings.

8. Accordingly, the contempt petition is closed.

[S.M.S., J.]

[S.S.Y., J.]

02.11.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note to Office:

Post C.M.A.(MD) No.146 of 2021 in the regular Bench holding roster.

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Cont.P.(MD) No.1844 of 2022

S.M.SUBRAMANIAM, J.
and
S.SRIMATHY, J.

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