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C.R.P.No.1699 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

C.R.P.No.1699 of 2024
and
C.M.P.No.8965 of 2024

1.S.Vadivelu
2.V.Logambal

.. Petitioners

VS

Rahul Nath

.. Respondent

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed by the Principal Family Court at Coimbatore in I.A.No.5 of 2024 in G.W.O.P.No.1219 of 2021 dated 26.03.2024.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.M.Pradeep Shankar

ORDER

I.A. No.5 of 2024 was filed in G.W.O.P. No.1219 of 2021 in order to summon the Commanding Officer of the Indian Naval Ship (name of the ship is not mentioned) and for the production of certificate of the respondent.



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2. There is no dispute that the respondent and the daughter of the petitioners by name Vidya were married to each other. From the marriage, a child by name Ikshan Rahul was born. The said Vidya passed away on 08.09.2017 while she was serving in the Army. She has left behind the child who is in the custody of the maternal grandparents. The father of the child namely the respondent herein filed G.W.O.P. No.1219 of 2021. Evidence has been recorded in the said proceedings. Thereafter, the application in I.A.No.5 of 2024 has been filed by the petitioners in order to summon the Commanding Officer.

3. The said application was dismissed by the learned Principal Judge, Family Court at Coimbatore against which the present revision is filed.

4. Heard Mr.M.Jaikumar, learned counsel for petitioners and Mr.M.Pradeep Shankar, learned counsel for respondent.

5. There is no dispute that the respondent in fact got married to the daughter of the petitioners and from the said marriage, a child was born.



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6. The main proceeding is one for guardianship of a minor child who has been left motherless due to the death of the mother Vidya, on 08.09.2017. There is no dispute that the respondent was working as a sailor. The attempt of the learned counsel for the petitioners to summon the records is for the reason that, at the time of marriage, he was working as a sailor but he had informed their daughter that he is a business man. The respondent/husband has got into the witness box and has stated that as his wife was holding a professionally superior position than him, it was only reasonable that he was projected as a businessman and not as a sailor in the wedding card. I do not understand as to why a sailor feels that he was doing some service which is less in dignity than that of a business man. This Court is of the view that such kind of persons who are doing service to the country are certainly above business men.

7. Be that as it may, this Court is of the view that issuance of summons to the Commanding Officer of an Indian Naval Ship on which the respondent is working is absolutely irrelevant for the disposal of G.W.O.P. At the time of disposal of G.W.O.P., all that the court sees is the best interest of the child. For the said purpose, the



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documents that have been summoned viz., marriage certificate etc., are not relevant to the proceedings. Therefore, I confirm the order of the learned Principal Judge, Family Court, Coimbatore dated 26.03.2024 in I.A.No.5 of 2024 in G.W.O.P.No.1219 of 2021. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.04.2024

Index:Yes/No
Neutral Citation:Yes/No
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To

The Principal Family Judge,
Coimbatore.



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V. LAKSHMINARAYANAN,J.

mmi

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