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C.R.P.No.1887 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1887 of 2024
and C.M.P.No.9933 of 2024

T.Ashwin

... Petitioner

Vs

G.Dheepikkha

... Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair order and decreetal order dated 28.12.2023 in I.A.No.3 of 2023 in HMOP.No.243 of 2023 on the file of the Family Court, Tiruvallur.

For Petitioner : Mr.K.Elango

For Respondent : Mr.P.Velammal for
Mr.M.R.Khabali

ORDER

The petitioner/husband filed I.A.No.3 of 2023 in HMOP.No.243 of 2023, on the file of the Family Court, Tiruvallur, seeking for visitation rights

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for his two sons as Saathvik, 10 years old and Vidhyut Muneeswar, 4 years old.

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2.The contention of the petitioner/husband is that the marriage between the petitioner and the respondent took place on 30.08.2013. Thereafter, they were living happily in Periyar Nagar, Chennai. Out of their wedlock, they got two children. Suddenly, the respondent/wife left the Matrimonial home on 27.07.2023, since she focused on her career. The petitioner/husband was overburden with his work and could not spend much time with his family. Taking advantage of it to have her own way of life, she left the matrimonial home and took the children to her parents house at Tiruvallur and staying there. The children till 22.09.2023 were studying in Chennai Public School and the petitioner was providing education to his children and best of all comforts to his wife. But now an allegation made as though the petitioner is an alcoholic and the petitioner's parents namely mother a Teacher and father a Bank Manager, both now retired, were not showing any interest to control the petitioner habit of alcoholism and on the other hand they are abating him.

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3. The petitioner further submitted that the respondent/wife to have her own way of her life, she left the matrimonial home. Added to this, she filed a divorce petition on the ground of cruelty, which is being resisted, in the interim custody application, the petitioner sought for weekly visit to meet his minor sons, wanted his minor sons to stay with him during the school vacations. The Trial Court by the impugned order permitted the petitioner to have limited visit to meet his sons on 2nd and 4th Sundays in a month between 9am to 4 pm only. Hence, he filed this Civil Revision Petition.

4. The learned counsel for the respondent/wife submitted that the petitioner is an alcoholic, he drinks liquor right from the early hours and continues throughout the day, and starts behaving in a rude manner, unable to be controlled. Despite several steps taken to bring him back to normalcy, all ended in vain. The objections of the respondent/wife is that her sons are getting affected, unable to concentrate in studies and their future will be ruined. That was the main reason for her to leave the matrimonial home, and now living in her parent's house. Prior to 22.09.2023, even in the year 2021, similar behaviour happened. At that time, the petitioner came home and



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made a promise that in future he will not take to alcohol and on believing the same, the respondent/wife came back to the petitioner/husband's house, but again petitioner continued his activities. He seems to be more focused on his personal pleasure than spending time with the family and with the children. Unable to bear any further for well being of the children, she left the matrimonial home along with her children and staying with her parents.

5. The petitioner's parents namely father and mother though they initially were in cordial relationship with the respondent and grandchildren, but later their attitude changed, since respondent/wife was opposing the petitioner activities and they are now on their son/petitioner's side. The respondent fairly submitted that she is not averse for the petitioner/husband to meet the children. But it is their sons, who are having some hesitation to meet him. During the mediation both the children expressed to the Mediator about the petitioner attitude and behaviour and for what reason that they are unable to go along with the petitioner. The respondent/wife further submitted that if the children are willing to go with the petitioner, they can be taken to any place of their choice and they can spend useful happy times



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together.

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6. The learned counsel appearing for the petitioner/husband that the children may be taken to any of the Shopping Malls in Chennai and on Sundays travelling from Tiruvallur to Chennai hardly takes one hour. In a Shopping Mall or on a public place he can spend useful time together with children and thereafter, he undertakes to return the children to the mother's custody at Tiruvallur on the same day. He further submitted that normally it was the petitioner/husband and his parents i.e., the paternal grandparents of the children also accompany. The petitioner is permitted to take the children to any Mall or public place from 9 am to 4 pm on 2nd and 4th Sundays. It is made clear that it cannot be by compulsion, if the respondent is willing to accompany them, it is for her to go along with the children.

7. As regards the visitation rights during the quarterly and half yearly holidays, two days the children can stay along with paternal Grandparents and the petitioner at Jawahar Nagar and during annual holidays, they can stay for a week. This is only an initial temporary arrangement and this stay

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also should not be on compulsion. If the bondage improves for good, they can have flexi arrangement provided petitioner, respondent and the children agree. This arrangement is till the disposal of HMOP No.243 of 2023.

8. With the above directions, the Civil Revision Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Pbn
Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No



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M.NIRMAL KUMAR,J.

Pbn

To

The Family Court, Tiruvallur

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