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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2024

CORAM :

The Hon'ble Mr. Justice J.SATHYA NARAYANA PRASAD

C.R.P.No.2034 of 2024
and
C.M.P.No.10890 of 2024

Mr.K.G.Benny ... Petitioner

Vs.

Mrs.Susan ... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decree in I.A.No.5 of 2024 in G.W.O.P.No.300 of 2022 dated 30.04.2024 on the file of the Principal District Judge at Tiruvallur pending disposal of the Civil Revision Petition and grant the petitioner at least additionally 7 more days and 10 days in total of custody during the summer vacation 2024 ending 04.06.2024.

For Petitioner : Mr.P.Prabu

For Respondent : M/S.Sharika
for M/S.T.Benny Ebenezer

ORDER

This Civil Revision Petition has been filed against the order passed by the learned Principal District Judge, Tiruvallur in I.A.No.5 of 2024 in G.W.O.P.No.300 of 2022 dated 30.04.2024, wherein, the respondent was directed to produce the male child, namely Shaun Arohn, who was born on

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19.11.2014, to the custody of the petitioner for any three days between 04.05.2024 and 31.05.2024.

2. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent and perused the material available on record.

3. Aggrieved by the order, dated 30.04.2024, this Civil Revision Petition has been filed by the petitioner herein, seeking extension of the time period upto 10 days for visiting his child. It is contended that, since the respondent/wife is staying at Jalna District, Maharashtra, it would be difficult for the petitioner to reach the respondent's place and take custody of the child.

4. The prayer made by the petitioner is quite reasonable. Therefore, taking into consideration the vacation holidays, the period of custody of the male child is extended for five days instead of three days as ordered by the Family Court.

5. At this juncture, the learned counsel for the respondent submitted that the child is presently in respondent's sister house at Thane, Maharashtra and they will be returning only on 02.06.2024 to Jalna, since the distance from

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Thane to Jalna District, Maharashtra covers about 350 kms, it would take more than 7 to 8 hours of journey, which the child has to travel.

6. In view of the above, the petitioner may take the child with him on 02.06.2024 or on 03.06.2024 and after the expiry of five days, the child would be handed over back to the respondent on 08.06.2024, as the school is re-opening on 10.06.2024. It is made clear that, if there is any inconvenience or any un-avoidable reason to hand over the child on 02.06.2024 by the respondent to the petitioner, the child can be handed over to the petitioner on 03.06.2024.

7. With the above observation and direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

30.05.2024

Index : Yes / No
NCC : Yes / No
jd/anu
Note: Issue order copy on 31.05.2024.

To
The Principal District Judge,
Tiruvallur.

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J.SATHYA NARAYANA PRASAD,J.,
jd/anu

C.R.P.No.2034 of 2024

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