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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.2332 of 2024
and C.M.P.No.12255 of 2024

M.Swathi ... Petitioner

-Vs-

M.Prasanth ... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 01.04.2024 made in I.A.No.1 of 2023 in HMOP No.439 of 2023 on the file of the learned Principal Family Court, Coimbatore.

For Petitioner : Mr.J.Jayan

O R D E R

This Civil Revision Petition arises against the order of the learned Principal Family Court at Coimbatore in I.A.No.1 of 2023 in H.M.O.P.No.439 of 2023.

2. The husband has moved a petition for restitution of conjugal rights. According to him, though the misunderstanding was trivial and manageable, the wife along with the child has left the matrimonial home. He would state that he is a person working on a ship and he is currently situated in Monaco. He had appointed his mother as his power agent to conduct the case at his instance. All that he

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sought for in I.A.No.1 of 2023 was the permission of the Court to visit the child along with his mother on every Friday and to retain the child till Sunday evening.

3. The Court below received the counter from the respondent wife, who stated that she is living separately from 09.12.2022. She would state that during the visit of the husband to her residence, he had assaulted her and made several scandalous allegations against her with the Deputy Commissioner of Police at Coimbatore. She pleaded that in case the child is handed over to the husband and her mother-in-law, the child will suffer from physical and mental harm.

4. Considering the submissions of both sides, the learned trial Judge came to a conclusion that the grandmother and the husband, who is the petitioner before him, can visit the child during the first and third Sunday of every month between 10.30 a.m. to 12.30 p.m. He has also made it clear that during the visits, the child must not be taken away from the presence of the mother and that the husband and his mother should not give any eatables to the child without the consent of the mother. This order is being put on revision before me.

5. I find the order balanced. The learned Judge has not granted the right to the father to take the child away from the company of the mother. The child is only 1½ years old. The child must be in a position to recognize his father when he grows up. Otherwise, it will result in a child being brought up by a single parent

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and also may suffer from parental alienation syndrome. By taking the child to a public place like a Mall or a Temple, the possibility of the husband or the mother-in-law ill-treating the civil revision petitioner / wife does not arise. In any event, it is a discretionary order of the learned Judge, Principal Family Court, which I am not inclined to interfere with.

6. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2024

Index : Yes/No
Neutral Citation : Yes/No

KST

To

The Rent Controller-cum-District Munsif
Coonoor, The Nilgiris District.

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V. LAKSHMINARAYANAN, J.

KST

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