



CRP No.3525 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

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E.M.Vignesh

.. Petitioner

-VS-

B.Subha Shree

.. Respondent

Prayer: Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 28.07.2022 made in I.A.No.1 of 2021 in HMOP No.54 of 2021 on the file of Sub Court, Sathyamangalam.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.J.Titus Enock

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ORDER

This civil revision petition arises against the order passed by the learned Subordinate Judge at Sathyamangalam in I.A.No.1 of 2021 in H.M.O.P.No.54 of 2021 dated 28.07.2022.

2. There is no dispute with regard to the relationship between the parties. The petitioner and the respondent entered into a marriage of choice on 18.04.2014. Subsequently, when the parents got to know about the relationship, the marriage was registered before the Sub Registrar at Sathyamangalam in the year 2015. From the wedlock, a male child was born on 16.12.2017. Due to disputes and differences, the parties separated. The husband has initiated H.M.O.P.No.54 of 2021 on the file of the Sub Court at Sathyamangalam seeking for restitution of conjugal rights. The wife has initiated a petition for divorce in H.M.O.P.No.74 of 2021 on the file of the Sub Court at Sathyamangalam.



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3. Since the petitioner-husband wanted to visit the child, he took out an application in I.A.No.1 of 2021. After receipt of a counter from the respondent, the learned Judge partly allowed the application. By the said order, he had permitted the civil revision petitioner to visit the child at Shri Gangadhareswara Swamy Temple, Hosur Road, Bandepalya, Garvebhavipalya, Karnataka State. This place was chosen after consulting the respondent wife. The learned Judge permitted the father to visit the child on the first Sunday of every month between 10.00 a.m. and 1.00 p.m. Aggrieved by the said order, the present civil revision petition.

4. Heard Mr.N.Manoharan for the civil revision petitioner and Mr.Titus Enock for the respondent.

5. Mr.Manoharan would plead that permitting the father to visit the child once a month is insufficient and that he should be permitted to interact with the child more. He would state that this is essential since the child is now aged about 7 years old. He would point out that the child has been in



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exclusive custody of the mother from the time of birth till date. In addition, he would plead that grand parents who are in Sathyamangalam would also like to interact with the child during such visits and would also love to make video calls to the child during the course of the week.

6. Per contra, Mr.Titus Enock would submit that the order passed by the Court below is a balanced one. He would state that the child is studying and considering all the facts and circumstances, the impugned order came to be passed and that it does not require any interference.

7. I have carefully considered the arguments of both sides.

8. As pointed out above, the facts that the petitioner is the husband and the respondent is the wife, and that there is a child from the wedlock are not in dispute. It is also not in dispute that the mother has exclusive custody of the child and the father has been given visitation rights once a month. Visiting the child of a tender age once a month would hardly leave mark in his memory. It is in the best interest of the child that he gets to know both



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father and mother so that the child does not suffer from any parental alienation syndrome at a later date. Therefore, while I was inclined to confirm the order of visitation for the father, I intended to increase the number of visits as ordered by the lower Court. Therefore, I requested Mr. Titus Enock to get instructions from his client. On instructions, he would submit that his client is agreeable to increase the number of visits.

9. Accordingly, the following order is passed:

- 1) The civil revision petitioner/father will be permitted to visit the child once a week on every Sunday between 10.00 a.m. and 1.00 p.m. at Shri Gangadhareswara Swamy Temple, Hosur Road, Bandepalya, Garvebhavipalya, Karnataka or at such other place the wife decides that would be convenient to take the child.
- 2) The parents of the civil revision petitioner are permitted to accompany him if they so desire during the time of visitation.



- 3) The parents of the civil revision petitioner and the civil revision petitioner himself, can interact with the child by making video call on every Wednesday between 8.00 p.m. and 8.30 p.m.
- 4) On special days such as birthdays or on the star birthday as calculated per the Tamil Calendar, the civil revision petitioner will be permitted to visit the child and spend about an hour's time with him.
- 5) The father also agrees to pay the school fees and other educational expenses that the mother would have to incur for the child. The mother will forward the challan/invoice to the civil revision petitioner, who shall make the payment directly, to the concerned institution.
- 6) In addition, the civil revision petitioner will deposit a sum of Rs.10,000/- (Rupees ten thousand only) per month to the credit of the bank account of the respondent for the purpose of maintenance of the child.



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10. This is only an interim arrangement. In case the communication between the child and the father develops, it is always open to him to move an appropriate application before the learned trial Judge for modification of the aforesaid conditions.

11. With the above directions, the civil revision petition is disposed of.

No costs.

28.08.2024

Index : Yes/No

Neutral Citation : Yes/No

sra

To

The Subordinate Judge,
Sathyamangalam.



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V.LAKSHMINARAYANAN, J.

(sra)

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