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C.R.P.(PD)No.7 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)No.7 of 2023

and

C.M.P.No.70 of 2023

Selvi

.. Petitioner

Vs.

V.Prasath

.. Respondent

Prayer : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the decretal order, dated 21.09.2022, in I.A.No.1 of 2022 in O.P.No.349 of 2022 passed by the learned V Additional Principal Family Judge at Chennai.

For Petitioner : Mr.A.AL.Arfeen Ahamed

For Respondent : Ms.Gajalakshmi Rajendran

ORDER

The present Civil Revision Petition arises against an order passed by the learned V Additional Principal Family Judge at Chennai in I.A.No.1 of 2022 in O.P.No.349 of 2022 dated 21.09.2022.



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2. O.P.No.349 of 2022 had been presented by the respondent/husband seeking divorce.

3. Pending the proceeding, the petitioner/wife was set *ex parte* on 29.03.2022. In order to set aside the same, she filed an application in I.A.No.1 of 2022. The reason for her non-appearance before the Court being that as she was not in the station, and had to attend a workshop in Mumbai in connection with her vocation, she could not be present on the date when the matter was posted for hearing.

4. The learned trial Judge took up the application for hearing, and allowed the same on the condition that the petitioner pays a sum of Rs.500/- to the respondent/husband directly. The said payment was ordered to be made on or before 19.10.2022, and the matter was ordered to be called on 20.10.2022.

5. Instead of making the said payment on 19.10.2022, the petitioner made the payment on 20.10.2022. Therefore, by virtue of the order passed by the learned Family Judge, the petition stood dismissed though the



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condition had been complied with.

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6. Being left with no other alternative, the present Civil Revision Petition has come up before this Court.

7. Heard Mr.A.AL.Arfeen Ahamed, appearing on behalf of the petitioner and Ms.Gajalakshmi Rajendran, appearing on behalf of the respondent.

8. Ms.Gajalakshmi Rajendran would submit that she has no objection for the revision being allowed as the cost had already been paid. She would only point out that taking advantage of the pendency of the revision, the civil revision petitioner is keeping the six year old child away from the society of the father. She would plead that all she wants is for a limited association with the child pending disposal of the H.M.O.P. proceeding.

9. Mr.A.AL.Arfeen Ahamed would state that he also has no objection to the request made by Ms.Gajalakshmi Rajendran.

10. By consent, the petitioner/wife has agreed to produce the child, by



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name Dheeksha, for spending quality time with her father on every Sunday between 10 A.M. and 12 P.M at V.R.Mall, Anna Nagar, Chennai.

Depending upon the improvement of relationship between the father and the daughter, it is always open to the parties to approach this Court for modification of the order. The first visit of the child shall commence from this Sunday onwards i.e. on 14.07.2024.

11. With the aforesaid directions, the Civil Revision Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

10.07.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

V. LAKSHMINARAYANAN, J.



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To

The learned V Additional Principal Family Judge,
Chennai

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and
C.M.P.No.70 of 2023

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