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C.M.P. No.1477 of 2024
in
C.R.P.(PD) No.2179 of 2020

SATHI KUMAR SUKUMARA KURUP, J.

This Civil Miscellaneous Petition is filed seeking clarification regarding visitation rights of the Petitioner in C.R.P.(PD) No.2179 of 2020.

2.The learned Senior Counsel for the Revision Petitioner submits that after C.R.P.(PD) No.2179 of 2020 was dismissed, when the Revision Petitioner had filed a Petition seeking interim custody of the child or in alternative the visitation rights, the learned Principal District Judge, Chengalpattu refused to grant the permission stating that C.R.P.(PD) No.2179 of 2020 has already been dismissed. Therefore, aggrieved by the same, the Revision Petitioner in C.R.P.(PD) No.2179 of 2020 had filed this Civil Miscellaneous Petition seeking clarification of the order passed in C.R.P.(PD) No.2179 of 2020.

3.Clarification is permitted. The question of visitation right or custody of the child is left open to be decided by the learned Principal District Judge, Chengalpattu, where GWOP is still pending. It is for the learned Principal District Judge, Chengalpattu, to decide the GWOP. While deciding GWOP., the



husband may claim either custody or in alternative the visitation rights. The learned Judge shall pass appropriate orders after recording the evidence of the parties and holding trial/enquiry in the GWOP on merits and as per law, considering the facts and circumstances without being influenced by any of the observations made in the order dismissing C.R.P.(PD) No.2179 of 2020, vide order dated 22.09.2022. In the light of the reported rulings of the Hon'ble Supreme Court in the case of ***Rosy Jacob Vs. Jacob.A. Chakramakkal*** reported in ***1973-AIR-2090*** and the case of ***S.Anand @ Akash Vs. 1.Vanitha Vijaya Kumar 2.Anand Rajan*** reported in ***2011 (2) CTC 736***, the learned Judge shall record the statement/evidence of the minor child after few sitting and interacting with the minor child by the learned Judge himself or herself. Only then, the learned Judge shall pass appropriate orders.

Accordingly, this Civil Miscellaneous Petition is disposed of.

30.01.2024

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