



C.M.A(MD)No.62 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

and

THE HONOURABLE MR.JUSTICE **P.VADAMALAI**

C.M.A(MD)No. 62 of 2019
and CMP(MD)No.694 of 2019

Dr.S.B.Ramya

... Appellant/Petitioner

Vs.

Dr.S.Suthar Sanjay

... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of Family Court Act, to set-aside the order in H.M.O.P.No.47 of 2018 dated 20.09.2018 on the file of the Family Court, Nagercoil to an extent of Visitation alone as by terms No.4 and 5 of the common judgment.

For Appellant : Mr.T.Lajapathi Roy

Senior Counsel

For Respondents : Mr.R.Krishnan

J U D G M E N T

[Judgment was made by **N.SESHASAYEE, J.**]

The respondent herein had filed H.M.O.P.No.47 of 2018 on the file of the Family Court, Kanyakumari District, for dissolution of his marriage with



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the appellant herein. The trial Court vide its order dated 20.09.2018, had dissolved the marriage, but granted visitation rights to the respondent *vis-a-vis* his two children born to him through the appellant. It was further directed to pay Rs.10,000/- per month. That part of the order granting visitation rights to the respondent herein is under challenge in this appeal.

2. The learned counsel appearing for the appellant, on instructions, submitted that the respondent had married another woman and begotten children through such marriage. He also circulated a photograph of the respondent with his second wife.

3. The learned counsel for the respondent informs the Court that while he could not contact his client directly, he had very reliable information from a close relative of the respondent that the respondent had since re-married.

4. The learned counsel for the appellant submitted that since the date of the impugned order the respondent had never tried to visit the children and now that he is re-married, he may not be interested in visiting the



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children.

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6. Taking the facts which have subsequently developed, this Court does not consider that it would be appropriate to sustain the right of visitation to the father, who appears not to be interested in visiting the children born to him through the appellant.

7. In view of the same, this appeal is allowed and the order of the trial court in H.M.O.P.No.47 of 2018 is modified to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.S., J.) (P.V.M., J.)
17.04.2024

Index : Yes / No

Neutral Citation : Yes / No

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To,

The Family Court, Nagercoil



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N.SESHASAYEE, J.
and
P.VADAMALAI, J.

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Judgment MADE IN
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