



C.R.P.(MD)No.1913 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1913 of 2024
and
C.M.P.(MD)No.10848 of 2024
and
Caveat No.851 of 2024

Thirumalainambi

... Petitioner / Respondent /Petitioner

Vs.

Muthulakshmi

... Respondent / Petitioner / Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.4 of 2024 in H.M.O.P.No.219 of 2023 on the file of the Family Court, Tirunelveli dated 16.03.2024 by allow this revision.

For Petitioner : Mr.T.Selvan

For Respondent : Mr.R.Karunanidhi



C.R.P.(MD)No.1913 of 2024

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ORDER

Heard both sides.

2. The petitioner in H.M.O.P.No.219 of 2023 on the file of the Family Court, Tirunelveli is the revision petitioner herein. H.M.O.P was filed for dissolution of the petitioner's marriage with the respondent herein. The respondent filed I.A.No.4 of 2024 seeking interim custody of the child. Interim custody was refused by the Court below. Visitation right alone was granted. Challenging the same, this civil revision petition has been filed.

3. The learned counsel appearing for the petitioner argue that the respondent / wife was in illicit intimacy with the third party and that it was witnessed by the child and that therefore, the child would face psychological trauma if the child made to interact with the mother. I called upon the learned counsel for the petitioner to draw my attention to the supporting averments in H.M.O.P. No such averment has been made. In fact, in Paragraph No.8 of the impugned order, the learned trial Judge has observed that the divorce is sought on the ground of cruelty and not adultery. No third party has been arrayed as respondent in the H.M.O.P.



C.R.P.(MD)No.1913 of 2024

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4. In these circumstances, I cannot accept the contentions now putforth before me. The learned trial Judge interviewed with child. The child is reluctant to go with the mother. That is why, interim custody was rightly refused. But then, the mother cannot be denied visitation rights. The impugned order has been correctly passed. Interference is not warranted. It is directed that the venue where the respondent can be with the child would be the District Court campus, Tirunelveli. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. Caveat Petition is also closed.

19.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The Family Court, Tirunelveli.



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C.R.P.(MD)No.1913 of 2024

G.R.SWAMINATHAN, J.

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C.R.P.(MD)No.1913 of 2024

19.08.2024