



C.M.A.(MD).No.956 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.956 of 2018

and

C.M.P(MD) No.10277 of 2018

Rajan

... Appellant/Petitioner

-vs-

1. Sarala Devi

2. Amutha

3. Sethuraman

... Respondents/
Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 47 of Guardians and Wards Act, 1890, to set aside the fair and decreetal order dated 04.10.2016 made in G.W.O.P.No.11 of 2011 before the Principal District Court, Virudhunagar District at Srivilliputhur.

For Appellant : M/s.A.Banumathi

For Respondents : Mr.S.Rajasekar



C.M.A.(MD).No.956 of 2018

J U D G M E N T

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The instant Civil Miscellaneous Appeal has been filed by the father, challenging the order passed in G.W.O.P.No.11 of 2011, on the file of the Principal District Court, Virudhunagar District at Srivilliputhur.

2. The petitioner in Guardian Original Petition, namely, Rajan had got married to one Sasikala, on 10.11.2002, as per the Hindu Religious Ceremonies. A daughter was born to them on 07.11.2003 and a son was born to them on 10.09.2009. Immediately after the delivery of the second child, the wife had passed away on 15.09.2009. The custody of both the minor children were retained by the sisters of the deceased Sasikala. Hence, the husband had filed the above Guardian Original Petition seeking custody of both the minor children.

3. The learned District Judge, after considering the evidence on record, had dismissed the said Guardian Original Petition. Challenging the same, the present appeal has been filed.



C.M.A.(MD).No.956 of 2018

WEB COPY

4. Pending appeal, the elder child, namely, daughter Siva Priya had attained majority and as on today only the second child namely, Ajay is a minor and he is 15 years old now.

5. On instructions, learned counsel appearing for the appellant submits that visitation rights may be conferred upon him to visit the minor boy Ajay, for which, the respondents have no objection.

6. However, the learned counsel appearing for the respondents herein pointed out that the learned Judicial Magistrate, Aruppukottai, has passed an order, dated 11.09.2018 in Criminal Miscellaneous Case No.24 of 2017, granting a sum of Rs.8,000/- (Rupees Eight Thousand only) as monthly maintenance for both the minor children. However, the said maintenance amount has not been properly paid by the father.

7. The learned counsel appearing for the respondents herein further submits that they would like to initiate appropriate proceedings for recovery of the said maintenance amount.



C.M.A.(MD).No.956 of 2018

WEB COPY

8. Considering the fact that the father is satisfying with the visitation rights over his minor boy, this Court is inclined to pass the following order:

“The appellant herein/father would be entitled to have the visitation rights over his minor son, Ajay on every second Sunday of every Month between 10.00 a.m., and 02.00 p.m., at Boominathar Temple, Tiruchuli. The boy may be accompanied by his Aunt, namely, Amutha”.

9. Recording the same, this Civil Miscellaneous Appeal stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

01.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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C.M.A.(MD).No.956 of 2018

To
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1. The Principal District Court,
Virudhunagar District,
Srivilliputhur.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A.(MD).No.956 of 2018

R.VIJAYAKUMAR,J.

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C.M.A(MD)No.956 of 2018

01.08.2024