



CMP(MD) No.10213 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
and
The Hon`ble Mr.Justice C. KUMARAPPAN

CMP(MD) No.10213 of 2023
IN
CMA(MD) No.465 of 2023

DINESH KUMAR

... APPELLANT/PETITIONER

Vs

SOWMIYABANU

... RESPONDENT/RESPONDENT

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to direct the Respondent to permit me for daily visit of petitioner minor son D.Nithin Sundaresh aged about 7 years and to handover the custody of him for weekly two days.

Prayer in CMA(MD). 465/ 2023 :

Civil Miscellaneous Appeal filed under section 19 of Family Court Act to set aside the fair and decretal order passed the fair and decretal order dated 24.02.2023 made in H.M.O.P. No. 124 of 2022 on the file of the Family Court, Ramanathapuram by allowing this Appeal and thus render justice.

ORDER : This Civil Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.VENKATESAN, Advocate for M/S.RIGHT LAW ASSOCIATES, for the petitioner and of Mr.G.VISHNURAM, Advocate on behalf of the Respondent,



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the court made the following order:-

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This application is filed seeking visitation rights and temporary custody of the son.

2.The Petitioner is the father. The respondent is the mother, with whom the minor child, aged 7, is living. The parties living separately. Marriage been dissolved by the Family Court. Aggrieved by that, the Petitioner herein has preferred an appeal and the same is pending. The minor boy has serious heart ailment and living with his mother at Trichy, who employed as a bank official, whereas, the Petitioner is living in Ramanathapuram and employed in the Health Department.

3.The Petition seeking visitation rights and temporary custody is strongly opposed by the respondent stating that divorce was granted on the ground of cruelty and under the guise of exercising the visitation rights, the Petitioner may cause harm to the minor boy and to the respondent.

4.The learned counsel for the Petitioner undertakes that no such untoward event will take place and the apprehension expressed by the respondent is illusory one.

5.Considering the interest of the minor boy as well as the right of the Petitioner vis-a-vis the objections raised by the respondent, this Court is of the view that the Petitioner herein shall visit the minor boy every second Sunday of English



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calendar month between 10.00 a.m to 5.00 p.m. He shall have the temporary custody of the minor boy on the fourth Saturday from 10 a.m till the following Sunday 5.00 p.m. He shall not take the child beyond Tiruchy Town during those days. The custody of the child and visitation of the child by the Petitioner should not affect the attending the school or other educational activities.

6. With this right, this Civil Miscellaneous Petition is disposed of.

sd/-
04/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSN
TO
THE JUDGE,
FAMILY COURT, RAMANATHAPURAM.

+1 CC to M/s.M/S.RIGHT LAW ASSOCIATES, Advocate (SR-127[I] dated
04/01/2024)

ORDER
IN
CMP(MD) No.10213 of 2023
IN
CMA(MD) No.465 of 2023
Date :04/01/2024

SA/JGB/SAR. /08.01.2024/3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.