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Rev.Aplc(MD).No.88 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

Rev.Aplc(MD).No.88 of 2023

in

C.R.P(MD).No.1722 of 2022

Venkatesh

...Review Petitioner/Husband

Vs.

Lakshmi Priya

...Respondent

Prayer: This Review Application is filed under Order 47 Rule 1 & 2 of CPC read with Section 114 of Civil Procedure Code, to review the order passed in C.R.P(MD).No.1722 of 2022 dated 29.09.2023 whereby dismissed the Civil Revision Petition.

For Review Petitioner : Mr.T.R.Subramanian



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ORDER

This Review Application is preferred by the petitioner/Husband in C.R.P(MD).No.1722 of 2022 with a prayer that this Court may review or recall the orders dated 29.09.2023 passed by this Court.

2.The petitioner/husband file the above C.R.P(MD).No.1722 of 2022 against the order passed on 12.11.2021 in I.A.No.4 of 2018 in H.M.O.P.No.324 of 2018 on the file of the Family Court, Karur in so far as granting visitation rights of the minor child Sudharshana to Ishwarya.

3.The contention of the revision petitioner in the above C.R.P. (MD).No.1722 of 2022 is that, he filed I.A.No.4 of 2018 for custody of child in which the learned Family Court Judge, Karur has granted visitation rights to one Ishwarya, the sister of the respondent/wife, since the respondent/wife is suffering from mental sickness and she is undergoing treatment. However, the said Ishwarya is preventing the petitioner/husband from taking custody of the child. Hence, he was constrained to file the above revision petition assailing



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the order passed by the said Family Court.

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4.This Court in the said order under review, pleased to direct the petitioner/Husband to approach the trial Court for executing the order granted in favour of the petitioner/husband for taking custody of child. However, in the said order this Court has not touched upon the point with regard to the visitation rights granted to the said Ishwarya.

5.Aggrieved by this, the present review application is preferred by the petitioner/husband. During the course of arguments, the learned counsel appearing for the applicant would submit that, the said Ishwarya had also preferred an application in C.R.P.(MD).No.3420 of 2023 seeking for custody of the minor child. He would further submit that, to avoid conflict of decisions, it would be appropriate that the revision petition filed against granting of visitation rights to Ishwarya and the petition filed by the said Ishwarya seeking for custody of the minor child may be tagged together.

6.Despite of notice, none appeared on behalf of the respondent/wife.



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7.Heard learned counsel for the petitioner and records perused.

8.Keeping in view, the submissions made by the learned counsel for the petitioner and considering the welfare of the child, this Court deems it appropriate that, when the decision in the above proceedings are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid conflict of decisions.

9.In the result, the Review Application is allowed. The Registry is directed to do the needful.

18.03.2024

vsn

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

To

The Family Court, Karur,



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