



C.R.P.No.845 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.No.845 of 2025
C.M.P.No.5014 of 2025

Jitender Soni

...Petitioner

Vs

Khushi Soni

...Respondent

PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the fair and decretal order dated 30.12.2024 passed in I.A.No.1 of 2024 in H.M.O.P.No.1804 of 2024 pending on the file of Learned VI Additional Family Court Chennai.

For Petitioner : Mr.D.Kannan

ORDER

The above Civil Revision Petition is filed by the petitioner/father challenging the dismissal of his application for interim custody of the elder daughter and visitation rights of the younger daughter.

2.The facts are briefly set out herein below:-



C.R.P.No.845 of 2025

The petitioner herein was married to the respondent on 28.07.2017

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and out of this wedlock two daughters Piyushi Soni and Krisha Soni were born on 12.06.2019 and 19.02.2024 respectively. The petitioner's contention is that after the birth of the second daughter the respondent continued to remain in a parental home and had only come to the matrimonial home on 15.03.2024 for the naming ceremony of the second daughter. Thereafter, she had returned to her parental home. An argument erupted between the petitioner and respondent and following which the respondent's father informed the petitioner that he would not send the respondent and his two children back to the matrimonial home. The petitioner would submit that despite his best efforts he is not able to see his children and spent time with them. Therefore, he had filed H.M.O.P.No.1804 of 2024 on the file of the learned VI Additional Principal Judge, Family Court, Chennai, seeking restitution of conjugal rights. I.A.No.1 of 2024 is filed in the said proceedings.

3.The respondent herein has resisted the above application by contending that the petitioner is not a person to whom the children can be entrusted. She would submit that the petitioner was an alcoholic and had been very abusive. She was also subject to cruelty at the hands of the



C.R.P.No.845 of 2025

WEB COPY

petitioner's family members as well. The respondent would submit that the birth of second daughter was not welcomed by the petitioner or members of his family. In fact they had threatened to do away with the second child. The respondent would submit that the petitioner would vent out his anger on the elder daughter as a result of which she was terrified of him. On 09.04.2024 the petitioner had come to the respondent's house and kidnapped the elder child Piyushi who, at that point in time was with the respondent's grandmother. However, he did not succeed in taking away the second daughter. The entire episode has been recorded in the CCTV camera which is installed in the basement of the apartment. The respondent had immediately lodged a police complaint and the child was restored back to the respondent. The first daughter is not even willing to look at the petitioner and the second daughter is too young. The respondent would also submit that the petitioner was in the habit of stalking her and the children and on 28.07.2024, he had followed her into a restaurant and threatened to kidnap the children and the eldest daughter started crying. The presence of the respondent has a negative effect both on the physical and mental health of the children and therefore he cannot be given the custody or visitation rights.



C.R.P.No.845 of 2025

WEB COPY 4.The learned VI Additional Principal Judge, Family Court, Chennai, on perusing the records as well as the evidence come to the conclusion that taking into account the welfare of the child and looking into the conduct of the respondent it would be in the interest of the child not to permit the custody or visitation rights for the present. Aggrieved by this, the petitioner has approached this Court.

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

6.Taking into account the observation of the learned VI Additional Principal Judge, Family Court, Chennai, in paragraph No.7 of the order impugned this Court is in agreement with the learned Judge that the interest and welfare of the minor child is of utmost importance, particularly, the child's mental health. The learned Judge who has perused the CCTV footage has condemned the manner in which the petitioner has taken away his child. The petitioner appears to have not taken into consideration the finer feelings of a younger child and the fact that his action could have traumatised the child. Therefore, I see no reason to



C.R.P.No.845 of 2025

disagree with the order passed by the learned VI Additional Principal

WEB COPY Judge, Family Court, Chennai.

7. Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

04.03.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To

The VI Additional Family Court Chennai.



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C.R.P.No.845 of 2025

P.T.ASHA, J.

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C.R.P.No.845 of 2025
C.M.P.No.5014 of 2025

04.03.2025