



CRP No.855 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :25.06.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P.No.855 of 2025

P.Sathya

.... Petitioner

vs

S.Arulprasath

... Respondent

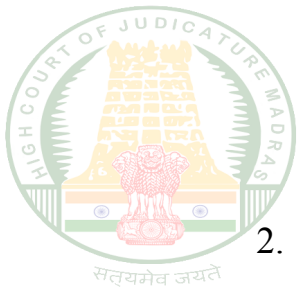
Revision filed under Article 227 of the Constitution of India seeking direction for an expeditious disposal of R.E.P.No.5 of 2024 against I.A.No.8 of 2024 in G.O.P.No.440 of 2023 on the file of Family Court, Salem.

For Petitioner : Mr.T.Murugamanickam
Standing Counsel

For Respondent : Mr.R.Vijayasathya
For M/s A.S.Kailasam & Associates

ORDER

The revision petition is at the instance of the mother, who has been successful in obtaining an order of custody of her minor daughter, aged about 5 years. However, the respondent/husband has sought review of the said order, granting custody to the petitioner/wife.

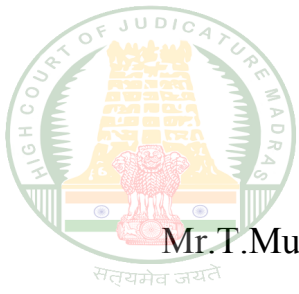


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2. Admittedly, the review petition is pending without any further progress. In the meantime, the petitioner/wife has sought to execute the order of custody in her favour. In order to expedite the order, the petitioner moved this Court for speedy disposal of REP No5 of 2024. This Court, by order dated 04.03.2025, directed the Judge, Family Court, Salem to dispose of R.E.P.No.5 of 2024 in I.A.No.8 of 2024 in G.O.P.No.440 of 2023 on or before 30.04.2025 and considering the nature of the relief sought for in this revision, notice to the respondent was dispensed by this Court while allowing the civil revision petition.

3. The respondent/husband has sought to recall the order dated 04.03.2025 and this Court, by order dated 23.04.2025, recalled the order passed by this Court on 04.03.2025 and also directed an interim arrangement to enable the petitioner/mother to see her minor daughter in the first week of May at Salem and thereafter, the second visitation onwards, it was left open to the parties, either the petitioner/mother comes to Chennai or the respondent/father goes to Salem along with the minor daughter and the meeting shall be at a place mutually agreeable to both the parties.

4. Today, when the matter is taken up for hearing,



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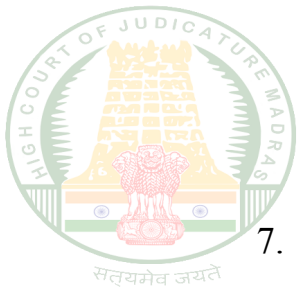
Mr.T.Murugamanickam, learned Senior Counsel appearing for the

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petitioner/wife submits that the revision is filed only to expedite the disposal of REP No.5 of 2024, especially since there is no stay granted in the review application. Learned Senior Counsel further submits that the petitioner's mother is not in a position to accompany the petitioner since the petitioner's sister delivered a baby recently and she has to stay back to take care of the other daughter and grandchild.

5. Learned Senior Counsel submits that proceedings are pending before the Family Court, Salem and therefore, there would be no difficulty for the respondent/husband to bring the child once in a month to Salem, which would facilitate visitation of the child by the mother.

6. However, learned counsel for the respondent/husband submits that the child is studying in Kinder Garden and considering the distance between Salem and Chennai, it would be highly inconvenient for the child to travel both ways and it will also affect the education of the child. He would therefore suggest that the parties can alternate the venue i.e., one month at Salem and one month at Chennai.



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7. I have considered the submissions made by the learned counsel on either side.

8. The prayer sought for in this revision is only to expedite the disposal of REP No.5 of 2024, to execute the order of custody passed in I.A.No.8 of 2024 dated 14.10.2024. There can be no difficulty with regard to REP No.5 of 2024 being expedited. However, the issue that remains is as to the visitation rights and whether it could be at Chennai or Salem.

9. As admitted by both sides, the respondent/husband is attending hearings at Salem and the next hearing is fixed on 30.06.2025. The respondent/husband shall take the child with him on 28.06.2025 (Saturday) and the mother shall be entitled to spend with the child, two hours, between 9.00 a.m and 11 a.m at Vediappan Temple, Salem. This arrangement is made only to avoid taking the child to the Court which may not be a conducive atmosphere for the child.

10. It is made clear that the respondent/husband will stay outside the premises of the temple. However, in order to ensure smooth passage of visitation rights, it would be under the supervision of **Ms.S.Jency**,



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Advocate,(2208/2009), 279/256, 3rd Cross Ammaneri Road, Dhathagrapatti,

WEB Salem-6 (Mobile No.9092185825).

11. Insofar as the review petition, the learned Judge, Family Court, Salem is directed to dispose of the Review Petition, filed by the respondent/husband and REP No.5 of 2024, filed by the petitioner/wife, on merits and in accordance with law on or before 31.07.2025.

12. With the above direction, the revision petition is allowed. No costs.

25.06.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-speaking Order
sr

To
The Family Court, Salem.



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P.B.BALAJI.,J.

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