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C.R.P.(PD) No.1278 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD) No.1278 of 2025
and CMP.No.7627 of 2025

Shakkeeba

... Petitioner

Vs.

Afsal

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 19.11.2024 passed in I.A.No.1/2024 in G.W.O.P.No.1782/2023 on the file of the Additional Principal Family Court, Coimbatore.

For Petitioner : Mr.B.Gurunathan

ORDER

The petitioner-wife has challenged the order dated 19.11.2024 passed by the learned Additional Principal Family Court, Coimbatore in



I.A.No.1/2024 in GWOP.No.1782/2023, in and by which, the learned Judge has permitted the respondent-father to visit his daughter at any public place nearer to the residence of the wife, monthly twice on every 2nd and 4th Sunday between 10.00 a.m., to 12.00 p.m.,

2. The petitioner-wife has challenged the said order in the present revision, on the grounds which have not been argued before the trial Court.

3. The husband had filed I.A.No.1 of 2024 in GWOP.No.1782 of 2023 against the wife under Section 12 of the Guardians and Wards Act seeking visitation right of the minor child. The petitioner-wife has chosen not to participate in the enquiry before the trial Court. The learned Judge has extracted this conduct of the petitioner in paragraph 5 of the order, wherein the learned Judge has stated as follows :

"No oral evidence let in by the either parties and no documents marked. Heard the petitioner side. Though sufficient time was granted, the respondent side enquiry not let in and the child also not produced."



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4. Having failed to contest the petition and also having failed to produce the child before the Court, despite orders of the Court, it is clear that the wife is preventing all access to the respondent-father to see his daughter. The visitation is only an interim measure till the disposal of the original petition. That apart, the respondent herein being a father of the child, he has every right to interact with the child and get to know his child, and the mother cannot prevent the same. The learned Judge has taken into consideration all these factors and passed the impugned order. Therefore, I see no reason to interfere with the order of the learned Judge.

5. In the result, the civil revision petition is dismissed. At this juncture, the learned counsel for the petitioner would submit that a specific place may be fixed by this Court, for the father to meet the child. It was agreed between the parties that the father shall meet her daughter at Brookfield Mall. The respondent-husband / father of the child can give prior intimation to the petitioner-wife / mother of the child, the time at which he would be visiting the child, and once the information is received, the petitioner shall ensure that she produces the child. It is made clear that



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the parents alone will be present with the child and that no other relatives or friends on either side would be present at the time of this meeting. No costs. Consequently, connected miscellaneous petition is closed.

28.03.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
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To:

- 1.The Additional Principal Judge
Family Court, Coimbatore.
- 2.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

ds

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