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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.M.P(MD)No.6979 of 2025

in

C.R.P(MD)No.77 of 2025

D.Ramdiwan

...Petitioner/Petitioner

Vs

1.R.Breethi

2.Vinoth

...Respondents/Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to modify the order dated 24.03.2025 made C.R.P.(MD)No.77 of 2025, on the file of this Court in so far as 'B' and 'C' clauses of the order portion are concerned by permitting the petitioner to take the minor child viz., R.Dhansika Sree, between 10.00 A.M. to 5.00 P.M. on every fortnight.

For Petitioner : Mr.V.George Raja
for M/s.Ajmal Associates

For Respondents : Mr.G.Mariappan for R1
Mr.S.Ramsundar Vijayaraj for R2

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ORDER

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The petitioner in C.R.P.(MD)No.77 of 2025, has filed the present application seeking modification of the final order passed by this Court on 24.03.2025.

2.The petitioner herein has filed G.W.O.P.No.123 of 2024, before the Additional District Court, Virudhunagar, seeking custody of his minor daughter. Pending the said application, he has filed I.A.No.1 of 2024, seeking visitation rights. That application came to be dismissed by the trial Court on 16.12.2024. Challenging the same, the above said revision petition was filed by the father of the child.

3.This Court by an order dated 24.03.2025, has passed an order setting aside the order passed by the trial Court and granted visitation rights to the father on every first Sunday of a month between 10.00 am and 12.00 noon in the office of the Legal Aid Centre attached to District Court, Virudhunagar. In case, if the minor daughter is admitted to a school in Chennai, the petitioner was permitted to exercise the above said visitation rights at Family Court, Chennai between the same hours.



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4.The present application has been filed by the father seeking to modify the order in Clauses 'B' and 'C' on the ground that he would like to take away the child outside the Legal Aid premises between 10.00 am and 5.00 pm. on every Fortnight. The prayer sought for by the revision petitioner is strongly objected to by the learned Counsel appearing for the respondent/mother.

5.I have considered the submissions made on either side and perused the materials available on record.

6.There was an allegation on the side of the mother that if the visitation right is granted to the father, he is likely to pamper the child and sway the child in his favour and the same is likely to affect the out come of the final orders to be passed in custody proceedings. Only considering these aspects, in paragraph No.30 of the order, this Court has permitted the visitation rights of the father to be restricted between 10.00 a.m. and 12.00 noon and that too in the Legal Aid premises. Therefore, this Court is not inclined to entertain his interlocutory application seeking modification. It should be borne in mind that the order passed in the main revision petition arises only out of an interlocutory orders passed in custody proceedings. Therefore, this order is likely to operate only till



the disposal of the main custody proceedings. It is for the petitioner to workout his remedy before the trial Court in the main petition.

7. With the above said observations, this Civil Revision Petition stands disposed of. No costs.

28.04.2025



R.VIJAYAKUMAR, J.

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RJR

To

1.The learned Additional District Judge,
Virudhunagar.

2.The Legal Aid Centre,
Principal District Court,
Virudhunagar.

3.The learned Judge,
Family Court,
Chennai.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

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