



CRP(MD). No.1750 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24/06/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRP (MD). No.1750 of 2025

Duvannadhan

... Petitioner

Vs

A.Vency

... Respondent

PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 13.06.2025 passed in I.A.No.2/2024 in H.M.O.P.No.620/2023 on the file of in the Court of District Judge, family Court, Kanyakumari District at Nagercoil insofar as not granting relief sought in I.A.No.2 of 2024 claiming custody or the visitation right of the minor Children.

For Petitioner : Party in Person

ORDER

The Civil Revision Petition is filed against the order dated 13.06.2025 in IA No.02/2024 in HMOP No.620/2023 on the file of the Family Court, Kanyakumari at Nagercoil.



CRP(MD), No.1750 of 2025

2. Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with.

3. The petitioner would submit that the petitioner is the husband and the respondent is his wife and their marriage was solemnized on 07.05.2017 as per Hindu rights and customs and they were blessed with two children, namely, Aadhiguru and Aarudharan, aged 5 and 3 years respectively. Since there was a matrimonial discord, the respondent filed HMOP No.620/2023 on the file of the Family Court, Kanyakumari District for divorce. The petitioner filed an application in IA No.2/2024 under Section 26 of the Hindu Marriages Act (in short 'the Act') for interim custody and visitation right. The trial Court vide its order dated 13.06.2025 granted visitation rights through video conferencing between 6 and 7 pm for 30 minutes and both the parties are directed to file a memo before the Court within one week disclosing their cellphone numbers for the said purpose. Challenging the same, the petitioner is before this Court.



CRP(MD), No.1750 of 2025

WEB COPY

4. The petitioner would submit that he and the respondent after marriage lead their matrimonial life at Mumbai. In view of the matrimonial discord, the respondent deserted the petitioner and started living with her parental home at Nagercoil and filed a petition for divorce. However, the petitioner is working in Mumbai and he filed a petition under Section 26 of the Act for interim custody and visitation right. However, the trial Court fixed only $\frac{1}{2}$ an hour everyday through video conferencing without granting any interim custody. The said approach of the trial Court is contrary to Section 26 of the Act. Hence, he prays for appropriate direction.

5. I have considered the said submissions and perused the materials available on record.

6. The fact that the marriage between the parties and their avocation and the children born to them are not in dispute. The petitioner is aggrieved by the order of the trial Court in granting $\frac{1}{2}$ an hour to have the petitioner to visit and interact with his children. The petitioner is in Mumbai and the children are in the native, ie., Nagercoil



CRP(MD). No.1750 of 2025

and the children are school going children and they are at their tender age. Since the petitioner is in Mumbai for his avocation, the visitation rights that has been sought for cannot be granted under Section 26 of the Act. It is seen that custody can be obtained by filing GWOP and since the petitioner is not at Nagercoil, the trial Court rightly granted visitation right through video conferencing, as the interest of the children is paramount and hence such order passed by the trial Court is not found to be perverse on the simple ground the petitioner is in Mumbai and the children are in Nagercoil and pursuing their education at Nagercoil. Hence, the prayer that has been sought for visitation rights during week ends and holidays is impermissible. Accordingly, the civil revision petition is dismissed with liberty to the petitioner to file GWOP in the manner known to law. No costs.

24.06.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The Principal Subordinate Judge, Madurai.

2.VR Section

Madurai Bench of Madras High Court, Madurai.

4/5



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CRP(MD). No.1750 of 2025

M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.1750 of 2025**

Date : 24/06/2025