



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1512 of 2025

Paranidharan

...Petitioner

Vs.

M.Hemalatha

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the final order made in E.P.No.9 of 2022 in G.W.O.P.No.39 of 2020 dated 01.06.2024 on the file of the learned Family Judge, Theni and the Civil Revision Petition to be allowed.

For Petitioner : Mr.N.Kamesh

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ORDER

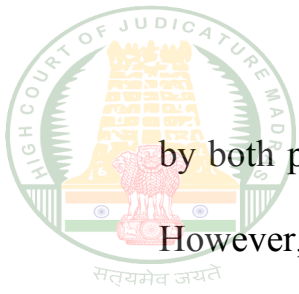
This petition has been filed seeking to quash the final order made in E.P.No.9 of 2022 in G.W.O.P.No.39 of 2020 dated 01.06.2024 on the file of the learned Family Judge, Theni.

2. The petitioner herein filed G.W.O.P. No. 39 of 2020 before the learned Family Judge, Theni, seeking to be appointed as the natural guardian and for a direction to the respondent to hand over the minor children, viz., Vishaal and



Aswin, to the custody of the petitioner. However, the said petition was partly allowed, granting the petitioner visitation rights to meet the minor children on the first and third Sunday of every English calendar month at a common place in Theni, as desired by both parties, in the presence of the respondent, from 9:00 a.m. to 4:00 p.m. The respondent herein failed to comply with the said judgment. Hence, the petitioner filed E.P. No. 9 of 2022 before the learned Family Judge, Theni. However, the said petition was dismissed by the learned Family Judge on 01.07.2024.

3. The learned counsel appearing for the petitioner would submit that already the petitioner herein filed H.M.O.P.No.6 of 2020 before the concerned Court for divorce and the said divorce petition was dismissed. Against which, the petitioner herein filed an appeal before the trial Court in H.M.C.A.No.20 of 2022. The Court below allowed the appeal and divorce was granted. Thereafter, the petitioner performed second marriage. Now, he is residing at Tiruvandrum along with his second wife. Thereafter, the petitioner herein filed G.W.O.P.No. 39 of 2020 before the learned Family Judge, Theni seeking appointment of the petitioner as the natural guardian and to order the respondent to hand over the minor children, viz., Vishaal and Aswin into the custody of the petitioner. The said petition was partly allowed, and the petitioner was granted visitation rights to visit the minor children on the first and third Sunday of every month, according to the English calendar, at a common place in Theni as agreed upon



by both parties, in the presence of the respondent, from 9:00 a.m. to 4:00 p.m.

However, the respondent herein failed to comply with the said judgment.

Hence, the petitioner filed E.P.No.9 of 2022 before the learned Family Judge, Theni. The said petition was dismissed by the learned Family Judge, Theni on 01.07.2024. Aggrieved over the same, the present petition has been filed.

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

5. Admittedly, there was a matrimonial dispute between the petitioner and the respondent and they have since separated. Out of the wedlock, they blessed with two children. The petitioner herein filed a divorce petition in H.M.O.P.No. 6 of 2020 before the concerned Court for divorce and the said divorce petition was dismissed. Against which, the petitioner herein filed an appeal before the trial Court in H.M.C.A.No.20 of 2022. The Court below allowed the appeal and divorce was granted. In the meanwhile, the petitioner filed G.W.O.P.No.39 of 2020 before the learned Family Judge, Theni. The said petition was partly allowed, and the petitioner was granted visitation rights to meet the minor children on the first and third Sunday of every English calendar month at a common place in Theni, as mutually agreed upon by both parties, in the presence of the respondent, from 9:00 a.m. to 4:00 p.m. Apart from that, the respondent filed a maintenance case in M.C.No.10 of 2021 before the Family



Court, Theni and the same was allowed by granting Rs.15,000/- as monthly maintenance to the respondent. As against which, the petitioner preferred an

appeal before this Court and the same is pending at the SR stage.

6. Though the Family Court, Theni, has granted monthly maintenance for Rs.15,000/- to the respondent, the petitioner has not paid any amount till now and is unwilling to pay the amount. Hence, with an intention to harass the respondent, the petitioner filed an unnecessary application before the trial Court.

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

02.06.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The Family Judge, Theni.

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



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M.DHANDAPANI, J.

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