



C.R.P(MD)No.2431 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2025**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.2431 of 2022
and
C.M.P(MD)No.11766 of 2022

Chithiraikumar

... Petitioner/Respondent/
Respondent

Vs.

Ramesh

... Respondent/Petitioner/
Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decreetal order, dated 18.10.2022 in I.A.No.2 of 2022 in G.W.O.P.No.9 of 2022 on the file of the Principal District Judge, Thoothukudi.

For Petitioner : Mr.S.Selva Aditya

For Respondent : Mr.V.Rajiv Rufus



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ORDER

The present revision petition has been filed by the respondent in G.W.O.P.No.9 of 2022 on the file of the Principal District Court, Thoothukudi challenging the order granted in favour of the father of the child for visiting the child on Sundays.

2. A perusal of the records reveal that the petitioner in G.W.O.P/father got married to one Anantharani on 22.08.2016. The couple were blessed with a male child on 14.10.2017. On 13.08.2020, the wife had committed suicide and an F.I.R was registered as against the father of the child on 13.08.2020 in Crime No.1613 of 2020 on the file of Singanallur Police Station, Coimbatore under Section 174 of Code of Criminal Procedure, 1973. The police authorities have closed the said criminal prosecution on 04.01.2021 as further action dropped.

3. The respondent herein/father had filed G.W.O.P.No.9 of 2022 seeking custody of the child from the maternal grand-father. Pending the said petition, I.A.No.2 of 2022 was filed by the father seeking visitation



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rights. The said application was resisted by the maternal grand-father on the ground that due to harassment on the side of the father, the mother of the child had committed suicide and in such circumstances, it would not be appropriate to permit the father to have the visitation rights. It was also contended that both the parties have entered into a compromise deed, wherein the father is said to have waived his right to have the custody of the child and also the visitation rights. The trial Court after considering the submissions made on either side, has proceeded to grant visitation rights to the father, wherein the father has been permitted to meet the child between 03.00 p.m to 06.00 pm on every Sunday at Taluk Legal Services Committee Office, Sathankulam. This order is under challenge in the present revision petition.

4. According to the learned counsel appearing for the revision petitioner, since the mother of the child had died in suspicious circumstances, criminal prosecution was initiated as against the father. Even though the said prosecution was closed by the police officials on 04.01.2021, the child would get affected in case if he meets the father.



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She further contended that the father of the child and the maternal grand-father have entered into a deed of compromise after the death of the mother. Under the said compromise deed, the father had agreed to hand over the custody of the child to the maternal grand-father. In such circumstances, the father is estopped from claiming custody or the visitation rights over the child. Therefore, she prayed for reversing the order passed by the Principal District Court, Thoothukudi.

5. Per contra, the learned counsel appearing for the respondent/father had disputed the genuineness and validity of the said compromise deed and further contended that as a father, he is entitled to have the visitation rights of the child pending petition seeking custody of the said child. He further contended that the criminal prosecution initiated as against him has been dropped by the police authorities on 04.01.2021. In such circumstances, there cannot be any legal impediment for him to have the visitation rights.



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6. Considering the facts narrated above, it is clear that as on today, no criminal prosecution is pending as against the father of the child. The Court had only granted visitation rights to the father to meet the child on every Sunday between 03.00 p.m to 06.00 p.m at Taluk Legal Services Committee Office, Sathankulam. This Court does not find any serious objection could be raised as against the father from meeting the child. In such circumstances, this Court does not find any reason to interfere in the order of Principal District Court. The Principal District Court, Thoothukudi is directed to dispose of G.W.O.P.No.9 of 2022 on or before 30.11.2025.

7. Hence, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

05.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

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1. The Principal District Court,
Thoothukudi.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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