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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.6722 of 2026
and
C.M.P.No.28971 of 2026

CNR: {HCMA012434382026}

A.Abinaya
W/o.S.Balaji

..Petitioner

Vs

S.Balaji
S/o.Swaminathan

..Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 24.07.2026 passed in I.A.No.8 of 2026 in H.M.O.P.No.5051 of 2024 pending on the file of the Principal Family Court, Chennai.

For Petitioner : Ms.K.Sumathi

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ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the docket order dated 24.07.2026 passed in I.A.No.8 of 2026 in H.M.O.P.No.5051 of 2024 wherein, based on the application filed by the respondent seeking for visitation rights, the Family Court directed the petitioner to produce the minor child in the Child Care Centre at the Family Court premises on the third Saturday of every month at 10.30 a.m.

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and permitted the respondent to spend time with the child till 04.00 p.m. and if, for any reason the child could not be produced on the third Saturday of a month, the child could be produced on the first Saturday of next month with the same condition.

2. Heard learned counsel for petitioner and perused the materials available on record. This Court also went through the impugned order.

3. The respondent has filed H.M.O.P.No.5051 of 2024 on the file of Family Court, Chennai, for dissolution of marriage solemnized on 21.04.2022. Pending the petition, I.A.No.8 of 2026 in H.M.O.P.No.5051 of 2024 was filed by the respondent under Section 26 of the Hindu Marriage Act, 1956, seeking for interim custody of the minor child. The Family Court, by order dated 24.07.2026, directed the petitioner to bring the child to the Child Care Centre in the Family Court premises in Chennai on the third Saturday of every month at 10.30 a.m. and the respondent was given permission to spend time with the child till 04.00 p.m.

4. Initially, the petitioner was not really aggrieved by the order and wanted to comply with the order passed by the Family Court. However, the grievance expressed by the petitioner has been explained at paragraph No.9 of the Memorandum of Grounds of Civil Revision Petition, which is extracted

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hereunder:

> "9. The subsequent conduct of the Respondent pursuant to the impugned Order itself demonstrates the impracticability of the duration fixed therein. On the first visitation held on 01.08.2026, though the visitation was fixed from 10.30 a.m. to 4.00 p.m., the Respondent arrived only at about 10.45 a.m., thereafter left the Child Care Centre during the subsistence of the visitation for nearly one hour and subsequently returned and continued the visitation. On the second visitation held on 19.09.2026, the Respondent arrived only at about 11.15 a.m., left the Child Care Centre at about 1.55 p.m., returned only at about 3.00 p.m. and thereafter remained there until about 4.15 p.m. Thus, on both occasions, the Respondent himself did not remain continuously at the Child Care Centre during the period fixed under the impugned Order. When the Respondent himself has not been able to remain continuously at the Child Care Centre for the entire period fixed for visitation, compelling a tender-aged child to remain there continuously for nearly six hours is manifestly excessive and disproportionate. The actual timings of entry and exit of the Respondent and the Petitioner on the aforesaid visitation dates are recorded and maintained by the Child Care Centre. This Hon'ble Court may therefore be pleased to summon the original entry and exit records maintained by the Child Care Centre in respect of the visitation dates 01.08.2026 and 19.09.2026, which would objectively establish the actual duration for which the Respondent remained present and the periods during which he was away from the premises."

5. In the case in hand, the child is 3 years old and the Court below directed the child to be kept in the Child Care Centre between 10.30 a.m. and 04.00 p.m. The respondent does not seem to be spending the entire time with the child. Hence, the child has to unnecessarily stay in the Child Care Centre for one full day along with the petitioner.

6. The petitioner is granted liberty to file a modification petition before the Family Court, Chennai, to modify the order dated 24.07.2026 based on the subsequent events and the said application shall be dealt with by the Family

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N.ANAND VENKATESH, J.

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Court on its own merits and in accordance with law after affording opportunity to both sides. In the meantime, the petitioner is directed to bring the minor child to the Child Care Centre at the Family Court premises on the third Saturday of every month and the child shall be kept in the Child Care Centre between 10.30 a.m. and 12.30 p.m. and it is left open to the respondent to spend time with the child. This is purely an interim arrangement and it is left open to the Family Court to deal with the application to be filed by the petitioner and take an appropriate decision. Till then, this interim arrangement will continue.

This civil revision petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

27-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Principal Family Court,
Chennai.

Civil Revision Petition No.6722 of 2026

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