



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 17.12.2025

Order pronounced on : 30.01.2026

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.5756 of 2025
& CMP.No.28623 of 2025

Dr.Tanali Sai Lakshmi Ananya

... Petitioner

Vs.

Dr.Nimmala Pavan Kumar

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to strike off I.A.No.5 of 2025 in HMOP.No.887 of 2020 on the file of the II Additional Family Court, Chennai.

For Petitioner : Mrs.Devi
for Mr.Najeeb Usman Khan

For Respondent : Mr.Anupam Raghuraman

ORDER

The wife in matrimonial proceedings is the revision petitioner. The revision petitioner seeks to strike off I.A.No.5 of 2025 in HMOP.No.887 of 2020, in and by which the respondent/husband has sought for modification



of the terms of the order and decree dated 01.09.2020, by allowing monthly visitation rights and active participation in the daughter's life as a natural guardian and also to contribute financially and emotionally to her upbringing and also to resolve pending issues with the financial scheme initiated in the name of the minor daughter, besides also seeking compliance of agreed terms in the consent decree dated 01.09.2020, permitting the husband to communicate with the minor daughter over phone.

2.I have heard Mrs.Devi, for Mr.Najeeb Usman Khan, learned counsel for the petitioner and Mr.Anupam Raghuraman, learned counsel for the respondent.

3.The learned counsel for the revision petitioner, Mrs.Devi, would contend that the application is an abuse of process of law as the consent decree was passed by the competent Family Court as early as on 01.09.2020. Further, contending that the decree was passed by mutual consent and the application to modify the terms of compromise was impermissible and the application is belated and also not before the competent Court, she would also bring to my notice that the respondent has spoken about payments made



to the petitioner's father as well, which are totally alien to the consent decree. The learned counsel would therefore state that the said application does not deserve to stand the scrutiny of law and is therefore liable to be struck off under Article 227 of the Constitution of India, 1950.

4.Per Contra, Mr.Anupam Raghuraman, learned counsel for the respondent/ husband would submit that the application has been filed by the husband only to modify the terms of the consent decree, pertaining to the minor, taking into account the interest of the minor alone, which is permissible under Section 27 of the Hindu Marriage Act, 1955. He would further state that the petitioner has filed a counter and only at the final stages of enquiry, the petitioner has moved the present revision petition and obtained an interim stay. He would therefore pray for dismissal of the revision petition.

5.I have carefully considered the submissions advanced by the learned counsel on either side.

6.It is not in dispute that the petitioner and the respondent were



husband and wife. However, in and by an order dated 01.09.2020 in HMOP No. 887 of 2020 on the file of the II Additional Family Court, Chennai, the parties have mutually dissolved their marriage, invoking Section 13B of the Hindu Marriage Act, 1955. In the said consent decree, the parties have agreed to certain terms and conditions, including the rights of the father to visit the child / have the custody of the child.

7.The learned counsel for the respondent would, in fact, fairly agree that under the consent decree, the father had given up visitation rights as well as custodial rights. However, it is the grievance of the father that even the telephone calls that were permissible are not complied with and it is one of the prayers in application I.A.No.5 of 2025, to enforce compliance of the terms of the consent decree. It is also the case of the husband/father that subsequent events have compelled the respondent to move the application and the application was taken out only in the interest of the minor daughter of the petitioner and the respondent.

8.Section 27 of the Hindu Marriage Act, 1955, is usefully extracted hereunder:



“27. Disposal of property.—In any proceeding under this Act, the court may make such provisions in the decree as it deems just and proper with respect to any property presented, at or about the time of marriage, which may belong jointly to both the husband and the wife.”

9.From a careful reading of the above provision, it is clear that even after the decree, the Court has the power, under certain circumstances, and if warranted, to modify the terms regarding visitation and custody of minor children. Even though it is a consent decree, it does not take away the rights of either of the parties to the lis, be it the father or the mother to knock at the doors of the Court that passed the decree and seek modification of the terms pertaining to visitation/ custody of minor children. The paramount consideration of the Court is the welfare and interest of the minor concerned and therefore, the consent decree having been passed will not come in the way of the Court to entertain an application seeking modification of the terms relating to the interests of the minor. In view thereof, I do not see how the application filed by the respondent/ husband is liable to be struck off, by invoking Article 227 of the Constitution of India,1950.

10.In fact, the petitioner has already filed a detailed counter and is contesting the application. Therefore, even from this angle, it is not proper

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for this Court to interfere under Article 227 of the Constitution of India, 1950 and throw out the application seeking modification of the consent decree. It is however made clear that the court shall enquire into the request for modification, only with regard to the interests and welfare of the minor daughter and nothing beyond. The petitioner shall also be given an opportunity to advance submissions, if not already made, or in the event of a request being made for making further submissions, and after hearing both the parties, the II Additional Family Court, Chennai, shall dispose of I.A.No.5 of 2025 on merits and in accordance with law. It is also made clear that if the learned II Additional Family Court Judge, Chennai, is of the opinion that it would be necessary and proper to have an interaction with the minor daughter, the learned Judge is at liberty to do so.

11. With the above observations, the Civil Revision Petition is dismissed. No costs. Connected Civil Miscellaneous Petition is closed.

30.01.2026

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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To
The II Additional Family Court, Chennai.

P.B. BALAJI,J.

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Pre-delivery order made in
CRP.No.5756 of 2025
& CMP.No.28623 of 2025

30.01.2026



**CRP No.5756 of 2025
and
CMP No.28623 of 2025**

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P.B. BALAJI,J.

Today This matter is listed under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2. This Court while passing orders on 30.01.2026 in CRP No.5756 of 2025, in paragraph No.8, noticed that a typographical error has occurred in mentioning the provision of the Hindu Marriage Act, 1955 wherein instead of **Section 26**, Section 27 of the Hindu Marriage Act was wrongly extracted.

Hence the Paragraph No.8 stands substituted as under:

8. Section 26 of the Hindu Marriage Act, 1955, is usefully extracted hereunder:

“26. Custody of children.- In any proceeding under this Act, the court may, from time to time, pass such interim orders and make such provisions in the decree as it may deem just and proper with respect to the custody, maintenance and education of minor children, consistently with their wishes, wherever possible, and may, after the decree, upon application by petition for the purpose, make from time to time, all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such decree or interim orders in case the



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proceeding for obtaining such decree were still pending, and the court may also from time to time revoke, suspend or vary any such orders and provisions previously made.

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Provided that the application with respect to the maintenance and education of the minor children, pending the proceeding for obtaining such decree, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the respondent.”

3. Except the above modification, all other portions of the order dated 30.01.2026, shall remain intact. Registry is directed to rectify the above error and issue fresh order copy.

06.02.2026

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**CRP No.5756 of 2025 and
CMP No.28623 of 2025**