



C.R.P.(MD)No.3717 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.3717 of 2025

and

C.M.P.(MD)No.19586 of 2025

Sheeba Ebanazer

... Petitioner

-VS.-

M.Beniston Joel

...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to call for the records relating to the order, dated 19.07.2025 in I.A.No.3 of 2024 in I.D.O.P.No.225 of 2024 by the Family Judge, Theni and to set aside the same by allowing this Civil Revision Petition.

For Petitioner :Mr.A.Srinivasan

For Respondent :Ms.Jeyakodi



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ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned Family Judge, Theni, in I.A.No.3 of 2024 in I.D.O.P.No. 225 of 2024, dated 19.07.2025.

2.Heard Mr.A.Srinivasan, learned Counsel for the Revision Petitioner and Ms.Jeyakodi, learned Counsel for the respondent.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 24.08.2020 and out of their wedlock, they were blessed with a girl child on 09.06.2021. Due to misunderstanding, they are living separately and they filed a petition for mutual divorce in I.D.O.P.No.225 of 2024 before the Family Court, Theni. The Family Court, Theni, vide order, dated 01.06.2024 granted divorce and also granted visitation rights to the respondent to see his daughter in the office of the Deputy Superintendent of Police, Periyakulam, on the first Sunday of every month between 10.00 am and 12.00 noon. Thereafter, the respondent has preferred an application in I.A.No.



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3 of 2024 in I.D.O.P.No.225 of 2024 seeking modification with regard to the visitation rights. The Court below has passed the impugned order, dated 19.07.2025, modifying the condition to the effect that the respondent shall take the child into his physical custody on the first Sunday of every month between 10.00 am and 12.00 noon. Challenging the same, the petitioner/wife has filed the present revision petition.

4.Though the learned Counsel for the petitioner has pointed out several irregularities and infirmities in the order passed by the Court below, the primary contention of the learned Counsel for the petitioner is that the respondent is facing life threat, as he has been involved in murder cases and that the order of the Court below directing the petitioner to hand over the child to the respondent for two hours will cause endanger to the life of the child and hence, he seeks interference of this Court.

5.The learned Counsel for the respondent submitted that the Court below, after hearing the parties as well as after perusing the entire materials available on record, has passed the impugned order, which is perfectly valid



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and does not warrant interference of this Court and hence, she seeks dismissal of this petition.

6.This Court considered the arguments as advanced by the learned Counsel on either side and perused the materials available on record.

7.This Court considered the apprehension of the petitioner, who is the mother of a five years old child, that the respondent is facing three criminal cases including murder charges and there is a life threat to the respondent, which will also endanger the life of the child. The apprehension of the mother cannot be ignored. At the same time, without going into the allegations in the FIR, this Court cannot comes to the rescue of the mother stating that there is an FIR against the respondent/husband and the he is facing murder charges, which will endanger the life of the child. Therefore, this Court is inclined to pass the following order:

"The order passed by the learned Family Judge, Theni, in I.A.No.3 of 2024 in I.D.O.P.No.225 of 2024, dated 19.07.2025, is modified to the effect



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that the petitioner shall produce the child before the Tamil Nadu Legal Services Authority at Theni, instead of handing over the child physically to the respondent. All other conditions shall hold good."

8.In result, the Civil Revision Petition is disposed of to the extent as modified above. No costs. Consequently, connected miscellaneous petition is closed.

9.This Court appreciates the learned Court appointed Legal Aid Counsel for the respondent in assisting the Court for arriving at the justice to the parties. The High Court Legal Services Committee attached to this Bench is directed to pay a remuneration of Rs.10,000/-in *toto* to the learned Court appointed Legal Aid Counsel for the respondent within a period of two weeks from the date of receipt of a copy of this order.

05.02.2026

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



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To

- 1.The Judge, Family Court, Theni.
- 2.The High Court Legal Services Committee,
Madurai Bench of Madras High Court.



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N.SENTHILKUMAR, J.

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