

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THANJAVUR.**

Present: **P.Mathusuthanan**, B.A., B.L.,  
Principal District Judge, Thanjavur.

Monday, the 13<sup>th</sup> day of December, 2021  
Thiruvalluvarandu 2052 Sri Pilava Aandu, Karthigai Thingal 27<sup>th</sup> day

I.A.No.129/2021 in G.O.P.No.35/2021

N.Bastin	...	Petitioner / Respondent
	Versus	
A.Lionard Rabeek @ Ravi	...	Respondent / Petitioner

This Interlocutory Application has come up for final hearing today (13.12.2021) in the presence of Mr.T.A.Omprakash, Advocate appearing for the petitioner and of Mr.R.Parthasarathy, Advocate appearing for the respondent and upon hearing the arguments on the both sides and perusing the available records and having stood over for consideration till this day, this court passed the following,

**ORDER**

1) This Interlocutory Application is filed by the petitioner under section 12 of Guardian and Wards Act praying to permit him to have a visiting right of his son for weekly once till the disposal of the main GOP.

2) **Brief averments of the petition are as follows:** The petitioner is the respondent in the main GOP. The petitioner has a son namely "Nihilesh" due to wedlock of the petitioner and the daughter of the respondent. After the marriage, the petitioner lived happily with his wife and child. On 22.11.2017, due to mental

pressure, his wife committed suicide by hanging herself and for that, a case has also been registered against the petitioner and his family members by the respondent and the same is pending as against the petitioner before the Mahila Court, Trichy. After the death of his wife, the respondent herein took away his minor son. Even several efforts made by the petitioner, the respondent did not allow the petitioner to see his minor son. For the past 3 years, the petitioner is not able to see his minor son and suffered mental agony. Hence, the petitioner prays for an order for visitation right of his minor child for weekly once till the disposal of the main GOP.

3) **Brief averments of the counter are as follows:** This petition is not maintainable and the same is liable to be dismissed. The respondent admitted the fact of marriage of the petitioner along with his daughter and due to wedlock, one male child was born to them and now, the minor child is under the custody of the respondent / maternal grandfather herein. From the date of marriage, the petitioner and his family members tortured his daughter by demanding dowry and hence, on 22.11.2017, due to mental cruelty, his daughter committed suicide by hanging herself. In such a circumstance, if the minor grandson is along with the petitioner, it would be harmful and dangerous to the life of his grandson and hence, the respondent took away his minor grandson and take care of him. After the death of his daughter, the petitioner did not come and see his minor son and now, a criminal case has also been pending as against the petitioner and his family members before Mahila Court, Trichy. Hence, the respondent prays to dismiss the petition with costs.

4) **Point for consideration in this petition is that:**

Whether this petition is to be allowed as prayed for ?

5) Point : The Learned Counsel appearing for the petitioner submitted that the respondent / maternal grandfather filed the GOP 35/2021 seeking the relief of guardian for his minor grandson and against which, the petitioner / father herein filed cross objection in GOP 138/2021 seeking the relief of to hand over his minor son. He would further submit that after death of petitioner's wife, the respondent took away his minor son and even several efforts made by the petitioner to see his minor son, all are ended in vain and not allow the petitioner to see his minor son and hence, argued for visiting right of petitioner's minor son.

6) Per contra, the Learned Counsel appearing for the respondent submitted that during the matrimonial life of the petitioner and daughter, the petitioner and his family members were always demanding dowry and caused mental cruelty to his daughter and hence, her daughter committed suicide by hanging herself and since the minor grandson is lived along with the petitioner, it is dangerous to the life of the minor grandson and hence, argued for dismissal of the petition.

7) Heard both sides and perused the records.

8) Admittedly, the petitioner and the daughter of the respondent are husband and wife and it is further an admitted fact that out of their wedlock, the minor son was born to them and the wife of the petitioner committed suicide by hanging herself and now, the minor son is under the custody of the respondent / grandfather. At this stage, the respondent has filed the GOP 35/2021 seeking the

relief of appointment of guardian for his minor grandson and the petitioner filed cross objection in GOP 138/2021 seeking the relief of handing over the minor son to him. It is further an admitted fact that the petitioner is the father of the minor son. Considering the love and affection of the father towards his son and also ensure the respect to the affection of father, this court is inclined to grant the relief of visitation right to the petitioner herein with conditions.

9) In the result, this Interlocutory Application is allowed with the following conditions:

- i) The respondent is hereby directed to ensure the presence of the minor child before the District Legal Services Authority, Thanjavur on every 2<sup>nd</sup> and 4<sup>th</sup> Saturday at 10.00 AM and the petitioner herein is permitted to see and spend his time with the minor child from 10.00 AM to 1.00 PM.
- ii) It is further directed that the Secretary of Legal Services Authority shall ensure the visitation right to be availed by the petitioner herein by making necessary arrangement at the legal services office.

This Order is dictated to the *Stenographer Grade-III* of this court, typed by her directly in Computer, corrected and pronounced by me in open Court, this the 13<sup>th</sup> day of December, 2021.

Sd/-P.Mathusuthanan,

Principal District Judge,  
Thanjavur.

Order in  
I.A.No.129/2021 in GOP 35/2021  
PDJ Court, Thanjavur.  
Dated : 13.12.2021.