



WEB COPY

CRP No. 3370 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 3370 of 2025

AND

CMP No. 18486 of 2025

K.Gayathiri

W/o Karthick Kumar, D/o Gopalan, No.57, 6th
Street, Sivasakthi Nagar, Selaiyur, Chennai 600
073

..Petitioner(s)

Vs

G.Karthick Kumar

S/o Govindarajan, No.16C, Swasthika Flats,
Krishna Nagar, Chennai 6000 48

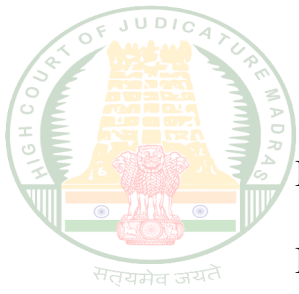
..Respondent(s)

CRP No. 3370 of 2025

To allow this Revision Petition and direct the trial court to set aside
or modify the order dated 17.04.2025 in IA.No. 01 of 2024 in HMOP.No. 276
of 2023 on the file of the Honble Ld Subordinate Judge, Tambaram, Chennai Dt

CMP No. 18486 of 2025

To grant interim stay of all further proceedings in the order dated
17.04.2025 in IA.No. 01 of 2024 in HMOP.No. 276 of 2023 on the file of the
Honble Ld Subordinate Judge, Tambaram, Chennai Dt



For Petitioner(s): MR.Maharaja D

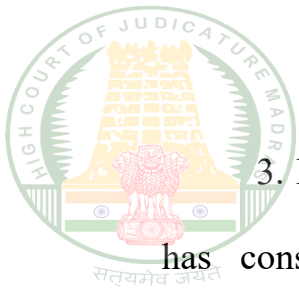
For Respondent(s): Mr. Arasaprabu.P

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ORDER

This Civil Revision Petition has been filed by the Wife to set aside or modify the order dated 17.04.2025 in I.A.No. 01 of 2024 in HMOP.No. 276 of 2023 on the file of the learned Subordinate Judge, Tambaram, Chennai, wherein the relief of visitation right sought by the husband, for visiting his minor son was granted.

2. The learned counsel for the petitioner would submit that the respondent is a drunkard and a chain smoker. He assaulted the petitioner in front of the Child. Since the respondent has driven the petitioner and his son from the matrimonial home, the petitioner has filed the HMOP No.276 of 2023 seeking divorce from her husband. While being so, the visitation rights have been granted despite the strong objections by the child, who has repeatedly and consistently expressed unwillingness to meet his father due to past acts of violence, emotional distress, and psychological trauma suffered during previous interactions. Hence, the forced implementation of visitation is likely to aggravate the mental health and emotional well being of the child, violating his right to a safe and stable environment.



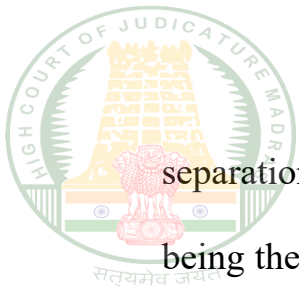
3. It has been further submitted that the Hon'ble Supreme Court of India has consistently held that the welfare of the child is the paramount consideration, and not the legal rights of the parent. Hence, he seeks to set aside the order of visitation right granted to the respondent/husband.

4. The learned counsel for the respondent would submit that out of the wedlock between the petitioner and the respondent, a male child was born on 25.05.2013. As a responsible father, the respondent maintained his wife/petitioner herein and his child with love and respect. Postal savings and deposits were made for the education and future of the child. Due to misunderstanding, the petitioner left the matrimonial home along with her minor child. When the respondent went to visit his minor son, the family members of the petitioner prevented him from visiting the child. Hence, the respondent filed I.A. No.1 of 2024 seeking the relief of visitation right of his own son. The Trial Court after considering the welfare of the minor child, allowed the same. Therefore, the Civil Revision Petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. Admittedly, the respondent is the biological father of the minor child.

The minor child was separated from his father at the age of 8. After the



separation, the minor child is under the custody of the mother. The respondent being the biological father of the minor child, has every right to visit his son. If he was prevented to visit his own child, the child could have forgotten his father and shifted into resentment towards his father. Hence, having considered welfare of the child, the Trial Court has rightly allowed the petition. Hence, this Court is not inclined to interfere with the order passed by the Trial Court in the rights of visitation of the respondent.

7. However, having considered the submission made by the both parties, this Court modifies the order dated 17.04.2025 made in I.A. No.1 of 2024 in HMOP No.276 of 2023 by directing the petitioner to produce the child in the Legal Service Authority, Tambaram on the first Saturday of every month between 12 P.M and 1 P.M. The respondent/father is permitted to visit his son during the time between 12 P.M and 1 P.M on the first Saturday of every month.

8. With the aforesaid directions, the Civil Revision Petition is disposed of. No costs.

16-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Lbm



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To
G.Karthick Kumar
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Krishna Nagar, Chennai 6000 48



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T.V.THAMILSELVI J.

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