

Durairaj and Others Vs. Raja and Others

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Court : Chennai

Decided On : Aug-10-2016

Judge : M. Duraiswamy

Appeal No. : Contempt Petition No. 1184 of 2015 & C.R.P(PD)Nos. 1619 of 2014 & 1155 of 2015

Appellant : Durairaj and Others

Respondent : Raja and Others

Judgement :

(Prayer: Contempt Petition filed under Section 11 of Contempt of Court Act to punish the respondents for his act of wilful disobedience of the order passed in CRP(PD)No.1619/2014 dated 30.4.2015.)

Common Order

1. The petitioners have filed the Contempt Petition to punish the respondent for his act of wilful disobedience of the order passed in CRP(PD)No.1619/2014 dated 30.4.2015.

2. Challenging the order passed in I.A.No.259/2013 in G.W.O.P.No.8 of 2013 on the file of Family Court, Salem, the petitioners, who are the maternal grand parents of the minor child Sanjayah, have filed the Civil Revision Petition in CRP.No.1619/2014.

3. Similarly, challenging the very same order, the father of the minor child, has filed the civil revision petition in CRP No.1155/2015.

4. The Family Court, Salem, by Order dated 18.02.2014, granted visitation rights of the minor child viz., Sanjayah to the maternal grand parents on 2nd and 4th Sundays between 9.00 a.m and 6.00 p.m. Against this order, the father of the minor child has filed the revision in CRP No.1155/2015.

5. By order dated 30.04.2015, this Court permitted the maternal grand parents to have visitation rights of the minor child viz., Sanjayah on 2nd and 4th Sundays between 9.00 a.m and 6.00 p.m as an interim arrangement and also directed the respondent to hand over the custody of minor Sanjayah to the maternal grand parents on 2nd and 4th Sundays at 9.00 a.m at Lord Shiva Temple, situated near Old Bus Stand in Perambur and take back the custody of the child from the grand parents at 6.00 p.m on the same day from the same place.

6. Since the custody of the child could not be handed over to the maternal grand parents for the reason that the minor child was not inclined to go along with his grand parents, the grand parents have filed the contempt petition in Contempt Petition No.1184/2015.

7. By consent of both the parties, all the matters are taken up together.

8. When the matter is taken up for hearing, Mr.A. Sirajudeen, learned Senior Counsel, appearing for the maternal grand parents of the minor child, submitted that instead of deciding the correctness of the order passed by the Family Court, Salem in I.A.No.259/2013 in G.W.O.P.No.8 of 2013, the main Original Petition, now pending on the file of Principal District Court, Villulpuram in G.W.O.P.No.78 of 2014 (originally G.W.O.P.No.8 of 2013 on the file of Family Court, Salem), may be directed to be disposed of by the Principal District Court, Villulpuram within a stipulated time

9. Mr.T.S. Baskaran, learned counsel appearing for the father of the minor child has no objection for giving such a direction to the Principal District Court, Villupuram.

10. Further, the learned Senior Counsel, appearing for the maternal grand parents of the minor child, submitted that till the disposal of Original Petition in G.W.O.P.No.78 of 2014, pending on the file of Pincipal District Court, Villupuam, the maternal grand parents of the minor child shall not precipitate the matter, by enforcing the order dated 18.02.2014 passed by the Family Court, Salem in I.A.No.259/2013 in G.W.O.P.No.8 of 2013.

11. Having regard to the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, I direct the Principal District Judge, Villupuram to dispose of the Original Petition in G.W.O.P.No.78 of 2014, on merits and in accordance wtih law, without being influenced by any of the observations made by the Family Court, Salem, within a period of two months from the date of receipt of a copy of this order. With these observations, both the Civil Revision Petitions are disposed of and the Contempt Petition stand closed.

No costs.

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