



WEB COPY



O.P.No.633 of 2021 & O.A.No.627 of 2021 &
A.No.3534 of 2021

O.P.No.633 of 2021 & O.A.No.627 of 2021
& A.No.3534 of 2021

KRISHNAN RAMASAMY,J

This Court vide order dated 08.07.2022, has permitted the applicant/father to take the minor child to his residence from the respondent/wife's residence in alternative days in a week and spend time with the minor child at evening hours between 6.00 P.M. and 8.00 P.M. at the applicant/father's residence.

2. Today, when the matter is taken up for hearing, the learned counsel appearing for the Applicant submitted that the Respondent/Wife intends to take the child to Delhi and settle there itself.

3. The learned counsel appearing for the Respondent/Wife submitted that she is working in Citi Bank in Chennai and the child is



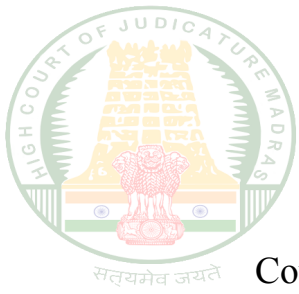
O.P.No.633 of 2021 & O.A.No.627 of 2021 &
A.No.3534 of 2021

WEB COPY

also studying in a school at Sholinganallur and she has no intention to take the Child from Chennai to Delhi. The learned counsel appearing for the Respondent/Wife has expressed some difficulties in implementation of the order dated 08.07.2022 and seeks for modification.

4. After hearing the submissions made by the learned counsel appearing on either side, the order dated 08.07.2022 is modified to the effect that the applicant/father is permitted to visit the child in the residence of the Respondent/Wife on every Friday and Saturday between 6.00 P.M.to 8.00 P.M.and spend some time with the child.

5. In fact, this Court often comes across with many instances of ill-treatment and non-co-operation by one spouse towards the other who visits to see his/her child in the his/her presence, which promoted him/her again to initiate proceedings before the police and



O.P.No.633 of 2021 & O.A.No.627 of 2021 &
A.No.3534 of 2021

Court of law.

WEB COPY

6. Marriage is a sacrosanct and holy union of two individuals and a child is the fruit of marriage. Bringing up a child is a duty for both parents.

7. Separation is a misfortune, not much for spouses, but great for the children born to them, who are the ultimate sufferers undergoing emotional pain and mental trauma silently. During separation, both spouses are not required to treat each other with equal respect or with love, but humanity demands to be nice to the other in front of their children.

8. Every child has a right to access both parents and get the love and affection of both parents. Whatever be the differences between the spouses, the child cannot be denied company of the other spouse.

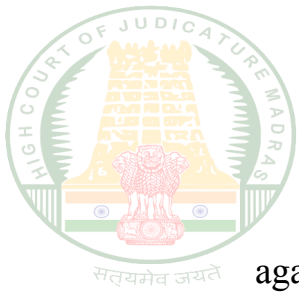


O.P.No.633 of 2021 & O.A.No.627 of 2021 &
A.No.3534 of 2021

WEB COPY

9. Taking into consideration the concern and eagerness of estranged parents to see his/her child, this Court permits him/her to have access and spend some time with the child. But unfortunately, taking advantage of custody of the child, some spouses, having developed animosity towards the other, giving scant regard to the orders/directions of this Court, used to misbehave and indulge in ill-treating the spouse who visits to see his/her child which leads to quarrelling each other in front of the child, by which, the child gets extremely disappointed rather disturbed. Further, this creates a sensation of panic within the child and he/she feels frightened and helpless. These feelings of vulnerability and insecurity can shape a child's personality and last a lifetime.

10. Further, this Court also came across the instances wherein some parents are even indulging in parental alienation which drives the child to behave indifferently with the visiting parent, which is an inhuman act which deliberately poisoned the minds of the children



O.P.No.633 of 2021 & O.A.No.627 of 2021 &
A.No.3534 of 2021

against the mother/father to whom, they formerly loved and needed.

WEB COPY

11. Every child has a right and need for an unthreatened and loving relationship with both the parents. To be denied that right by one parent, without sufficient justification, is itself a form of child abuse. Severe effects of parental alienation on children are self hatred, lack of trust, depression etc., as the children lose the capacity to give and accept love from a parent. Hatred is not an emotion that comes naturally to vast majority of children; it has to be taught. A Parent who would teach a child to hate or fear the other parent represents a grave and persistent danger to the mental and emotional health of that child. Alienated children are no less damaged than other child victims of extreme conflict, however abusive that relationship may be.

12. Therefore, in the interest and welfare of the children, it is the prime duty of both the parents to act and behave friendly before



O.P.No.633 of 2021 & O.A.No.627 of 2021 &
A.No.3534 of 2021

WEB COPY

their child so that the child feels secured and enjoys the moments in the company of both parents which develops positive feelings in him and at the same time, parents regain peace and happiness in the company of the children.

13. This Court expects that the spouses would comply with the orders/direction of this Court in the matter of visitation rights granting in favour of the spouses, without any deviation and only due to parental alienation, sometimes, the children are not willing and co-operating to see their mother/father, in which case, it is the obligation of the parents to explain the visitation rights of the abandoned parent and convince the children to move and spend with their mother/father. In the event there is failure on the part of the spouse who possesses the custody of the child, he/she will be held responsible for non-compliance of the order and ultimately, it would be considered that he/she is incapable of maintaining the child in his/her custody.



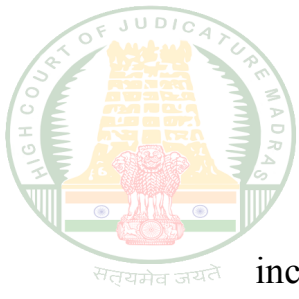
O.P.No.633 of 2021 & O.A.No.627 of 2021 &
A.No.3534 of 2021

WEB COPY

14. The spouse shall treat other spouse, though not as wife/husband due personal indifferences, but atleast treat him/her as a guest by paying more attention than wife/husband since in our customs and practice, a guest is treated as “Athidi Devo Bhava (Guest is God)” and show kindness and empathy towards the guest who is none other than the parent of the child and respect him/her in front of the child.

15. If any parent indulges either in parental alienation or fail to comply with the order/direction of this Court, the matter will be viewed very seriously and appropriate orders would be passed.

16. In the light of the above, the order dated 08.07.2022 is modified accordingly. It is made clear that when the applicant/husband visits the residence of the respondent/wife to see his child and spend time with him, the respondent/wife is directed to receive him and allow him to spend time with his child without any



O.P.No.633 of 2021 & O.A.No.627 of 2021 &
A.No.3534 of 2021

WEB COPY

inconvenience. Further, the respondent/wife is directed to show hospitality by providing snacks and dinner, etc., to him and have the same along with her child, which means husband, wife and children altogether and create a healthy atmosphere so that the child should feel happy and enjoy the moments by spending with his parents.

17. Post on 29.07.2022.

13.07.2022

suk/arr



WEB COPY



O.P.No.633 of 2021 & O.A.No.627 of 2021 &
A.No.3534 of 2021

KRISHNAN RAMASAMY, J.

suk

O.P.No.633 of 2021 & O.A.No.627 of 2021
& A.No.3534 of 2021

13.07.2022