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O.S.A.No.108 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

O.S.A.No.108 of 2026

K.M.D.Suraj Venugopal
S/o.(late) K.M.Dhakshina Moorthy,
Old No.6 New No.9, First Street,
North Gopalapuram, Gopalapuram,
Chennai – 600 086.

... Appellant

Vs.

Padmashree
D/o.N.Authimoolam and Geetha Authimoolam,
Plot No.39, 8th Street, Balaji Nagar Kathirvedu,
Chennai – 600 066.

... Respondent

Prayer: This Appeal is filed under Order XXXVI Rule (i) of Original Side Rules r/w Clause 15 of the Letters Patent to set aside the impugned order dated 09.01.2026 in A.Nos.5874 of 2025 & 109 of 2026 in O.P.No.586 of 2025 passed by the learned Single Judge and to grant liberal and frequent visitation rights to the appellant with the minor child, ensuring the welfare, mental, emotional and physical development of the child and further direct the respondent to inform in advance of and permit the appellant in all



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matters relating to minor child's vaccinations, medical treatment, hospital visits and emergencies and to furnish complete regular and continuous basis.

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For Appellant : Mrs.T.Rekha

For Respondent : Mr.M.Manimaran

JUDGMENT

(Judgment of the Court was made by P.VELMURUGAN, J.)

The appellant is the biological father and the respondent is mother of the minor child. The appellant/father filed Original Petition in G.W.O.P.No.586 of 2025 under Sections 3, 7 to 10 and 25 of the Guardians and Wards Act, 1890, seeking permanent custody of the minor child. Pending the above petition, the appellant/father has filed two applications in A.Nos.5874 of 2025 & 109 of 2026 seeking visitation rights on all Saturday & Sundays and for interim custody to facilitate all the medical requirements of the child.

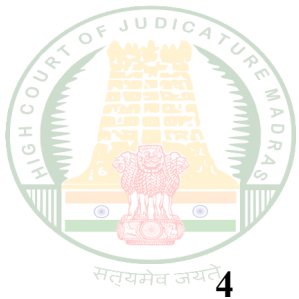
2 The learned Single Judge, vide order dated 09.01.2026 ordered visitation rights on every first Saturday from 10.30 a.m. to 01.30 p.m. Aggrieved over the said order dated 09.01.2026, the appellant/father is before us with the present Original Side Appeal.



O.S.A.No.100012024

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3 According to learned counsel for the appellant/father out of the wedlock between the appellant and the respondent, the girl baby was born on 04.04.2024 and due to matrimonial disputes, the appellant and the respondent are living separately. The appellant has been denied regular and meaningful access to the child. The child was born with underweight and was suffering from health complications and required proper medical supervision and periodical health check-up. Therefore the appellant, as a dutiful father filed two applications seeking visitation rights on every Saturday and Sunday and interim custody of the child to provide necessary medical requirements and medical assistance. The learned Single Judge, without considering the prayer sought for by the appellant/father, granted only visitation rights that too restricted to few hours. It is just and necessary to permit the appellant, who is a father of the minor girl baby to participate in crucial medical decisions for the child's welfare. The appellant's grandfather and mother are Doctors and they could understand the medical condition of the minor child. Therefore the order of the learned Single Judge needs interference of this Court.



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4 Learned counsel for the respondent/wife submitted that the child was born with underweight only, but now the respondent/mother is taking care of the child. At the time of filing the Original Petition by the appellant, the child was 1.5 years old and now 2.5 years old. The child is a girl baby and is now under the care and custody of the respondent/mother, who is taking care of the child and providing all the necessary medical assistance. The appellant/father has tried to abduct the minor girl child. Hence the learned Single Judge considering the facts and circumstances of the case, granted only visitation right and the same needs no interference of this court.

5 Heard the learned counsel appearing on either side and perused the materials available on record.

6 It is an admitted fact that the minor child was born with underweight and at the time of filing of petition seeking permanent custody, the child was 1.5 years and now the minor girl child is 2.5 years. Further it is an admitted fact that the appellant/father is regularly visiting the child as ordered by the learned Single Judge, without any hindrance from the respondent/mother.





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P.VELMURUGAN. J.
and
K.GOVINDARAJAN THILAKAVADI, J.

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