



O.S.A.No.84 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

O.S.A.No.84 of 2026

and

C.M.P.Nos.12206 and 12209 of 2026

Venkatasubramanian Ravichandran

.... Appellant

Vs

A.Nithya

.... Respondent

Prayer : Original Side Appeal filed under Order XXXVI Rule 1 of Madras High Court Original Side Rules read with Clause 15 of the Letters Patent, against the fair and decretal order dated 27.04.2026 passed by this Court in A.No.1908 of 2026 in O.P.No.280 of 2023.

For Appellant

: Mrs.R.Sumithra Chakkaravarthi

For Respondent

: Mr.Adinarayana Rao



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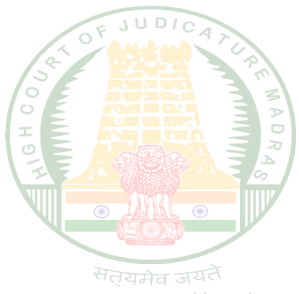
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J U D G M E N T

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

This intra-Court appeal is directed against the order dated 27.04.2026 passed by the learned Single Judge in A.No.1908 of 2026 in O.P.No.280 of 2023.

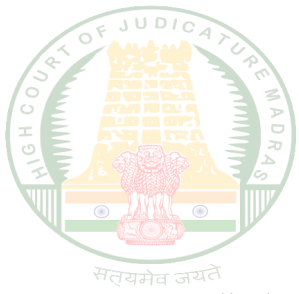
2. The appellant and the respondent were married on 18.03.2010 as per Hindu rites and customs at Chennai. Out of the wedlock two children, namely, Varsha Venkat, aged about 15 years, and Raghav Venkat, aged about 5 years, were born. Both the children are citizens of the United States of America. The appellant is residing in the United States of America, whereas the respondent has been residing at Chennai along with the minor children since 2022. The appellant instituted O.P.No.280 of 2023 under Sections 7 and 25 of the Guardians and Wards Act, 1890, seeking permanent custody in respect of the minor children. During the pendency of the original petition, interim visitation, including extended and overnight custody, was granted on several occasions, and the appellant duly complied with the conditions imposed by this Court.



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Alleging non-compliance with the visitation orders, the appellant also filed Cont.P.No.1815 of 2025. By order dated 30.03.2026, this Court referred the parties to mediation before the Tamil Nadu Mediation and Conciliation Centre and appointed a child counsellor to facilitate the formulation of a parenting plan. Thereafter, during his proposed visit to India from 03.05.2026 to 17.05.2026, coinciding with the children's summer vacation, the appellant filed A.No.1908 of 2026 seeking interim custody and visitation during summer and winter vacations. By the impugned order dated 27.04.2026, the learned Single Judge declined to grant interim relief on the ground that mediation was in progress and observed that the parties could work out a mutually acceptable arrangement through mediation. Aggrieved by the said order, the appellant has preferred the present appeal.

3. The learned counsel for the appellant submitted that, the learned Single Judge failed to appreciate the time-sensitive nature of the relief sought. The application for interim visitation was intended to facilitate the appellant's interaction with the minor children during his limited stay in India, coinciding with the summer vacation. By adjourning the matter on the ground that

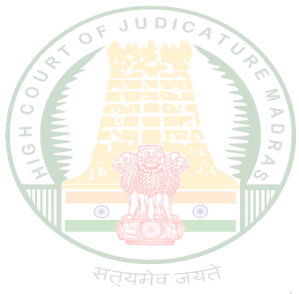


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mediation was in progress, the learned Single Judge rendered the application infructuous by efflux of time.

4. The learned counsel further submitted that the appellant, being a non-resident parent, has only limited opportunities to have physical access to his children during his visits to India. It was contended that the impugned order overlooks the paramount consideration of the welfare of the minor children and has the effect of depriving the appellant of meaningful parenting time. Although the relief sought for the summer vacation has become infructuous, the grievance of the appellant continues to subsist. Hence the present appeal has been filed seeking expeditious consideration of the appellant's request for visitation before the ensuring winter vacation, so as to ensure meaningful parenting time and safeguarding the welfare of the children.

5. Per contra, the learned counsel for the respondent submitted that the present appeal is not maintainable. It was contended that no adverse or final order has been passed by the learned Single Judge and the application is still pending consideration. If the appellant has any subsisting grievance, it is always



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open to him to approach the learned Single Judge for appropriate relief. Hence, the appeal, being premature, deserves to be dismissed.

6. We have considered the rival submissions and perused the materials placed on record.

7. Admittedly, the appellant is none other than the father of the minor children and seeks only visitation rights for the coming winter vacation. It is well settled that in matters relating to the custody and visitation of minor children, the paramount consideration is always the welfare and best interests of the children.

8. On a perusal of the impugned order it is seen that the learned Single Judge has not passed any effective order on the appellant's application for interim visitation, but has merely adjourned the matter on the ground that mediation was in progress. It is also not in dispute that no progress has been made in the mediation thereafter.



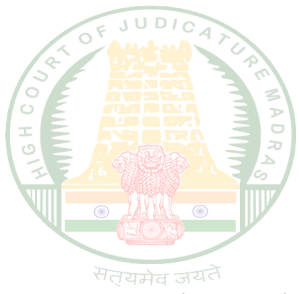
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9. When the appeal was taken up for hearing on 06.07.2026, this Court directed the respondent-mother to be present. Pursuant thereto, she appeared before this Court today, and submitted that she has no objection to the minor children visiting their father. However, she requested that the visitation arrangement may be structured in such a manner that the studies of the children, particularly the elder child, who is presently studying in Class X and is under academic pressure, are not disturbed.

10. At this juncture, the learned counsel for the respondent submitted that the ensuing winter vacation is from 23.12.2026 to 03.01.2027 and that the appellant may be granted visitation during the said period.

11. In the present case, the relief sought by the appellant for visitation during the summer vacation has admittedly become infructuous by efflux of time. However, the respondent-mother has fairly stated before this Court that she has no objection to the minor children visiting the appellant-father and that her only concern is that the visitation arrangement should not adversely affect the studies of the elder daughter, who is presently studying in Class X. In the



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above circumstances, we are of the view that it would be appropriate to remit the matter to the learned Single Judge for fresh consideration. The learned Single Judge is requested to take up the application at the earliest and consider the grievance of the appellant/father and pass appropriate orders regarding the visitation arrangements, preferably well before the commencement of the ensuing winter vacation, keeping in view of the welfare and best interest of the minor children and the academic schedule of the elder child.

12. With the above observations and directions, the intra-Court appeal stands disposed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

(P.V.,J.) (K.G.T.,J.)
07.07.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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