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CMA.No.2157 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.2157 of 2026
& CMP.No.16479 of 2026

T.Vaithilingam
S/o. Thailappan,
Tamil Nadu State Transport
Corporation Driver,
D.No.2/176, Pon Nagar,
Mettur Dam,
Salem-636 401.

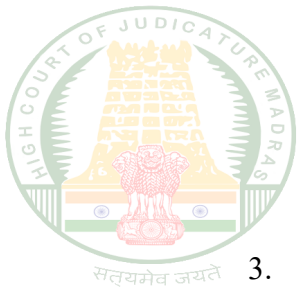
...Appellant

Vs

1. S.Vanitha
W/o. Selvaraj,
D.No.2/200-160,
Dharmagartha House,
Pon Nagar, Dilipan Nagar,
Mettur Dam, Salem-636 401

Now detained at Central
Women Prison, Coimbatore.

2. Balu, S/o.Muthur,
Residing at, 29/202,
Dilipan Nagar,
Perumal Kovil Street,
Pon Nagar, Mettur Taluk,
Salem District-636 401.



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3. Saraswathi
W/o. Balu,
Residing at, 29/202,
Dilipan Nagar, Perumal Kovil Street,
Pon Nagar, Mettur Taluk,
Salem District-636 401.
4. E.Prabhakaran, S/o. Balu,
Residing at 29/202, Dilipan Nagar,
Perumal Kovil Street, Pon Nagar,
Mettur Taluk, Salem District-636 401.

...Respondents

APPEAL under Section 47 of the Guardian and Wards Act, 1890
read with Section 8 of the Hindu Minority & Guardianship Act, 1956
against the fair and decretal order dated 02.1.2024 made in GWOP.
No.6 of 2023 on the file of the Additional District Judge (Fast Track
Court), Mettur.

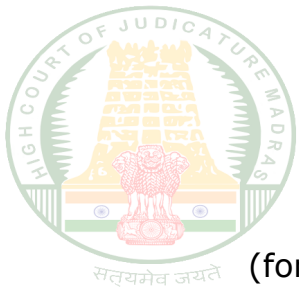
For Appellant: Mr.S.Doraisamy for
Mr.V.Elangovan

For Respondents: Mr.R.Nalliyappan

JUDGMENT

This appeal has been filed by the appellant against the fair and
decretal order dated 02.1.2024 made in G.W.O.P.No.6 of 2023 on
the file of the Additional District Court (Fast Track Court), Mettur

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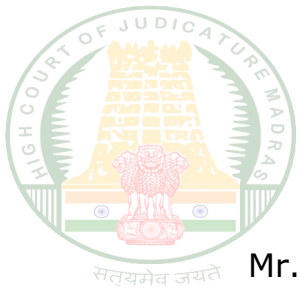
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(for short, the Court below) wherein he is seeking for the custody of his grandson – one minor child – S.Yuvan, who was born on 01.3.2008.

2. Heard the learned counsel appearing on behalf of the appellant and the learned counsel appearing for the respondents.

3. The facts leading to filing of this appeal are as follows:

(i) The appellant filed G.W.O.P.No.6 of 2023 before the Court below seeking for the custody of his minor grandson, who was then a minor on the ground that the first respondent is his daughter in law, that she was married to his son – one Mr.V.Selvaraj in the year 2007, that due to the wedlock, his grandson – the said minor boy - S.Yuvan was born to them, that there was some misunderstanding between his son and the first respondent, that on 04.9.2011, his son was found dead under suspicious circumstances, that the appellant gave a complaint, which resulted in the registration of a first information report in Crime No.410 of 2011 on the file of the Inspector of Police, Karumalaikoodal Police Station, that in the course of investigation, it came to light that his son – the said



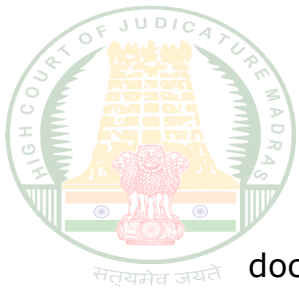
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Mr.V.Selvaraj died due to strangulation, that thereafter, a final report was before the concerned Court for offences under Section 302 and Section 201 read with Section 302 of the Indian Penal Code, that it was taken on file in S.C.No.160 of 2013, that the Trial Court, by judgment dated 14.11.2022, found the first respondent guilty of the offences and sentenced her to undergo life imprisonment and that therefore, he sought for the custody of his grandson – the said minor S.Yuvan. The further ground that was taken was that the first respondent – his daughter in law continuing to have the custody of the minor child would not be in the best interest of the child.

(ii) Before the Court below, the first respondent filed a counter and denied the allegations regarding the commission of murder against her husband. In so far as the care and custody of the said minor child S.Yuvan was concerned, the first respondent took a stand that right through, he was in the care and custody of the first respondent and that there was no reason to appoint the appellant as the guardian and grant the custody of the said minor S.Yuvan.

(iii) The Court below, on considering the facts and circumstances of the case and on appreciation of the oral and



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documentary evidence, came to the conclusion that the said minor child S.Yuvan was in the care and custody right through with the first respondent and that therefore, it would not be in the welfare of the child to handover the custody to the appellant. The Court below also made it clear that as a grandparent, the appellant had every right to visit his grandson and also directed the first respondent to permit the appellant to visit and interact with the said minor child S.Yuvan. Aggrieved by that, the above appeal has been filed before this Court under Section 47 of the Guardians and Wards Act, 1890 read with Section 8 of the Hindu Minority & Guardianship Act, 1956.

4. When the above appeal came up for hearing on 13.7.2026, it was brought to the notice of this Court that the said minor S.Yuvan became a major. In view of the same, this Court passed the following order on 13.7.2026 :

"Mr.R.Nalliyappan, learned counsel takes notice on behalf of the 1st respondent, who is the contesting respondent in this case. Considering the nature of grounds that have been raised in the present appeal, this Court is inclined to direct the grand son of the appellant to be present before this Court during the next



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date of hearing.

2. Post this appeal on 24.07.2026 at 5 p.m. in the chamber."

5. Today, when the matter is taken up for hearing in the chamber, the said Mr.S.Yuvan is present. This Court had a personal interaction with him. While interacting, the said Mr.Yuvan has stated that he has become a major during March 2026, that he is presently studying second year engineering course in Anna University, that he is staying in the hostel and that whenever he gets a long leave, he always goes and stays only with the first respondent and her parents.

6. When this Court has put a specific question to the said Mr.S.Yuvan as to whether he wants to go and stay with the appellant, he has made it very clear that he wants to continue to stay with his mother and her parents, that he has a very good relationship with them, that he has nothing against his paternal grandfather – appellant and that whenever his grandfather wants to visit and talk to him, he can do so.

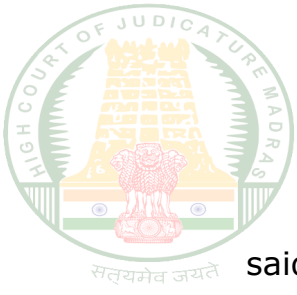


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7. This Court had the opportunity of watching the demeanour of the said Mr.S.Yuvan. This Court finds him to be a bright boy, who perfectly understands the situation. This Court also finds that he had a lot of clarity in his thought. Now that the said Mr.S.Yuvan has become a major, the Court has to necessarily respect his sentiments regarding the person, with whom, he wishes to stay.

8. In the considered view of this Court, even though there is a criminal case pending against the first respondent before this Court, the said Mr.Yuvan has always stayed with the first respondent and her parents. When this Court has specifically put a question regarding the pendency of a criminal case against the first respondent, the said Mr.Yuvan has categorically stated that it was a false case foisted against his mother and that therefore, pendency of the criminal case against the first respondent has not, in any way, taken away the love and affection, which he has for his mother and her parents.

9. The original petition itself was filed before the Court below on the ground that it would not be in the interest and welfare of the



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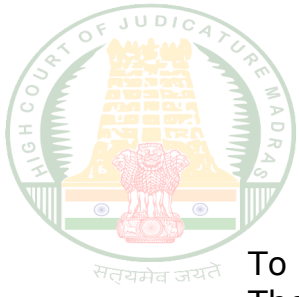
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said Mr.S.Yuvan to continue to stay with his mother. However, while deciding this issue, the Court can only look at the welfare of the child. In the case in hand, the said Mr.Yuvan is no more a child and he has become a major and he has expressed his willingness in no uncertain terms. In the light of the above discussions, the reasons assigned by the Court below while dismissing the original petition filed by the appellant do not suffer from perversity warranting the interference of this Court.

10. In the result, the order dated 02.1.2024 made in GWOP. No.6 of 2023 on the file of the Additional District Judge (Fast Track Court), Mettur is hereby confirmed. The direction issued by the Court below granting visitation rights to the appellant stands confirmed and it will always be left open to the appellant to maintain his relationship with the said Mr.S.Yuvan in his capacity as the grandfather. The above civil miscellaneous appeal is disposed of in the above terms. No costs. Consequently, the connected CMP is closed.

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The Additional District Court
(Fast Track Court), Mettur

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N.ANAND VENKATESH,J

RS

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