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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

OP.NO.671 of 2025

Chandni Babbar,
D/o. Shri. Kamal Babbar,
No. 33, Old No. 66/1,
Kasthuri Avenue, MRC Nagar,
Raja Annamalaipuram,
Chennai- 600 029.

....

Petitioner

Vs.

Rohit Sethi,
S/o. Sri Harjinder Singh Sethi,
No. 8-2-277/A/8,
The white Crow Building,
4TH Floor, Road No. 2, Banjara hills,
Hyderabad- 500 034, Telangana

....

.Respondent

PRAYER: PETITION FILED U/S 3,7 to 10, and 25 OF THE GUARDIANS AND WARDS ACT, 1890 R/W ORDER XXI RULE 2 & 3 OF OS RULES, praying that to (a) Grant permanent custody of his minor children Master. Akaay Babbar Sethi aged about 1 year and 6 months to the petitioner (b) to appoint her as the legal guardian of the person of the minor viz, Master Akaay Babbar Sethi.

For Petitioner: M/S.A.S.Neela Narayani



ORDER

This Original Petition has been filed by the petitioner/mother under Sections 3, 7 to 10 and 25 of the Guardians and Wards Act, 1890, read with Order XXI, Rules 2 and 3 of the Original Side Rules, seeking the following reliefs: a) to grant permanent custody of the minor child, Master Akaay Babbar Sethi, aged about 1 year and 6 months, to the petitioner; and b) to appoint the petitioner as the legal guardian of the person of the minor child, Master Akaay Babbar Sethi.

2. The petitioner, Chandni Babbar, is the biological mother of the minor child, Master Akaay Babbar Sethi, and the respondent, Rohit Sethi, is the biological father of the minor child. The marriage between the petitioner and the respondent was solemnized on 07.07.2023. Out of the said wedlock, the minor child was born on 10.05.2024 at MGM Healthcare, Chennai.

3. It is the case of the petitioner that, ever since the birth of the minor child, she has been taking care of the child and attending to his nutrition, medical treatment, emotional needs and day-to-day upbringing. The petitioner further states that the minor child is presently residing with her at Chennai. The petitioner has made various allegations against the respondent relating to his alleged violent behavior, substance and alcohol abuse, mental and emotional instability and other conduct, and contends that the respondent is not a fit person



to have custody of the minor child. The petitioner has also relied on the incidents and documents referred to in the petition to support her claim. It is the grievance of the petitioner that owing to the circumstances pleaded in the petition, including the alleged continuous physical, emotional and psychological abuse, violent conduct and unsafe environment created by the respondent, she was constrained to return to Chennai from Hyderabad, along with the minor child, and that the child has been continuously under her care. It is also stated that the petitioner has instituted proceedings for divorce before the Family Court, Chennai, in O.P. No.4565 of 2025, which is stated to be pending.

4. The Respondent filed a counter affidavit and denies the allegations made in the petition, and submits that he provided financial and medical support to the Petitioner, including ₹6,00,000/- towards pregnancy and delivery expenses, and made other expenses for her welfare. He states that differences arose between the parties after their marriage and denies allegations of cruelty, harassment and misconduct. He further submits that the Petitioner has suppressed material facts relating to her earlier proceedings and that efforts for reconciliation were unsuccessful. The Respondent is ready to produce relevant documents and bank records before this Court. However, considering the tender age and welfare of the minor child, the Respondent has no objection of granting permission by this Court to appoint the petitioner as the legal guardian cum custody of the person



of the minor child.

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5. It is seen from the order of the learned Master dated 05.01.2026 that court notice was served on the respondent. On 07.04.2026, both the learned counsel for the petitioner and the learned counsel for the respondent were present before the learned Master. Before the Learned Master the following documents were marked: a copy of her Aadhar Card; a copy of the Birth Certificate of the minor child, Master Akaay Babbar Sethi; a copy of the Legal Notice dated 04.07.2024 sent by the respondent; copies of the documents dated 09.07.2024, 18.08.2025, 28.08.2025 and 30.08.2025; a copy of the FIR registered on 20.09.2025; and a copy of the CSR issued on 11.09.2025.

6. This Court has considered the pleadings, the materials placed on record and the submission made on behalf of the respondent.

7. It is not in dispute that the petitioner is the biological mother of the minor child and that the minor child is presently in her care and custody. The minor child is of tender age and has been continuously under the petitioner's care. In the present case, the petitioner has stated that she has been taking care of the minor child since his birth and providing him with the necessary care, protection, medical attention and day-to-day upbringing. The respondent,



though duly served with notice, has not opposed the relief sought by the petitioner and, through his learned counsel, has expressed no objection to the allowing of the Original Petition.

8. Having regard to the tender age of the minor child, the continuous care and custody of the petitioner, the materials placed on record and the no-objection expressed on behalf of the respondent, this Court is of the considered view that the welfare and best interests of the minor child would be served by appointing the petitioner as the guardian of the person of the minor child and by granting custody of the minor child to her.

9. Accordingly, this Original Petition is **allowed**.

(i) The petitioner, Chandni Babbar, is appointed as the guardian of the person of the minor child, Master Akaay Babbar Sethi, 2 years old and custody of the minor child is granted to the petitioner.

(ii) No costs. Consequently, all the connected applications, if any, are closed.

21-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Jrs



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DR.A.D.MARIA CLETE, J.

jrs

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