

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Ordinary Original Civil Jurisdiction)

Thursday, the 11th day of March 2010

THE HONOURABLE MR. JUSTICE V.RAMASUBRAMANIAN

O.P.NO.144 OF 2008

In the matter of Guardians
and Wards Act, 1890
and
In the matter of minors Miss
Anamika & Riyaan.

C.V. Ananth Padmanabhan
S/o. C.R. Visswanathan
New No.15, Old No.9,
Boat Club Road,
Chennai 600 028.

...Petitioner.

Vs.

Mrs. Bindu
D/o. G.N. Naidu,
Road No.103/A, Jubilee Hills,
Hyderabad.

...Respondent.

Original Petition praying that this Hon'ble Court be
pleased to declare the Petitioner as the legal guardian and
retain custody of his children Miss.Anamika (Date of Birth
25/02/1999) and Master Riyaan (Date of Birth 17/12/2003).

This Original Petition coming on this day before this
court for hearing, the Court made the following order:-

This is a petition filed under the Guardians and Wards
Act by the father of two minor children seeking permanent
custody of the minor children.

2. Pending the Original Petition, several orders came
to be passed with regard to interim custody and
subsequently for visitation rights. Thereafter, an order
was passed permitting the parties to re-locate the family
in Pondicherry, so that the children can be in the custody
of both the parents. But, that arrangement failed, leading
to another order passed granting visitation rights to the

petitioner-father and allowing the respondent-mother to have the custody of the children at Pondicherry.

3. On the ground that he was not able to enjoy the visitation rights as per the spirit of the orders passed by this Court, a few applications were taken out by the petitioner-father. The respondent-mother also took out some applications. During the pendency of these applications, the main O.P was taken up for trial and the evidence on the side of the petitioner-father was closed. The respondent also let in oral evidence and at the stage of cross-examination of R.W.1., few applications were brought for appropriate orders for the purpose of enforcement of visitation rights already granted. At that time, I directed both the parties and the children to be present in my Chamber on 19.02.2010. After talking to the parties and the children, the children agreed to co-operate with the exercise of visitation rights by the petitioner-father. Therefore, I adjourned all the applications and O.P to a future date to see how far the understanding worked out.

4. Today, the parties are present along with their counsel and they have broadly agreed upon the manner in which the issue of visitation rights and the re-location of the family could be sorted out atleast as a trial run. Therefore, keeping the O.P. pending, the following order is passed as an experimental measure, subject to review at the instance of both parties:

(a) The respondent-mother is permitted as a temporary measure to re-locate herself with the two children at Hyderabad, immediately after the closure of the current academic year 2009-2010.

(b) The respondent-mother is permitted to put the children in an appropriate school, at Hyderabad commensurate with the status of the parties and the requirement of the

children and keep the petitioner-father informed of the residential address, residential phone numbers and the name and address of the school in which the children are admitted.

(c) In future, the petitioner-father is permitted to take interim custody of the children on the evening of the Friday preceding the second Saturday of a month and bring them to Chennai. But, it will be the responsibility of the petitioner-father to hand over the custody of the children on the following Sunday before 8 p.m. at Hyderabad. In other words, the petitioner-father will have the interim custody of children for almost two days in a month, which will be on the second Saturday and the following Sunday.

(d) In order to ensure that the education of the children are not dislocated, the exercise of right as per the preceding clause shall commence only from June, 2010.

(e) It is stated that the summer vacation for the children would start from April 10,, 2010. The respondent-mother desires to take the children to the United States of America for a six week holiday. Therefore, from 11th April, 2010 to 22nd April, 2010, the petitioner-father shall have the custody of the children. In case, any difficulty is encountered, both the parties are at liberty to approach this Court for any modification.

f. In future, the parties have agreed to share the vacations of the children equally between themselves.

5. Call the O.P. in the Chamber on 23.10.2010 for the parties to report whether re-location has been done and whether the children spent time with the father during the above period.

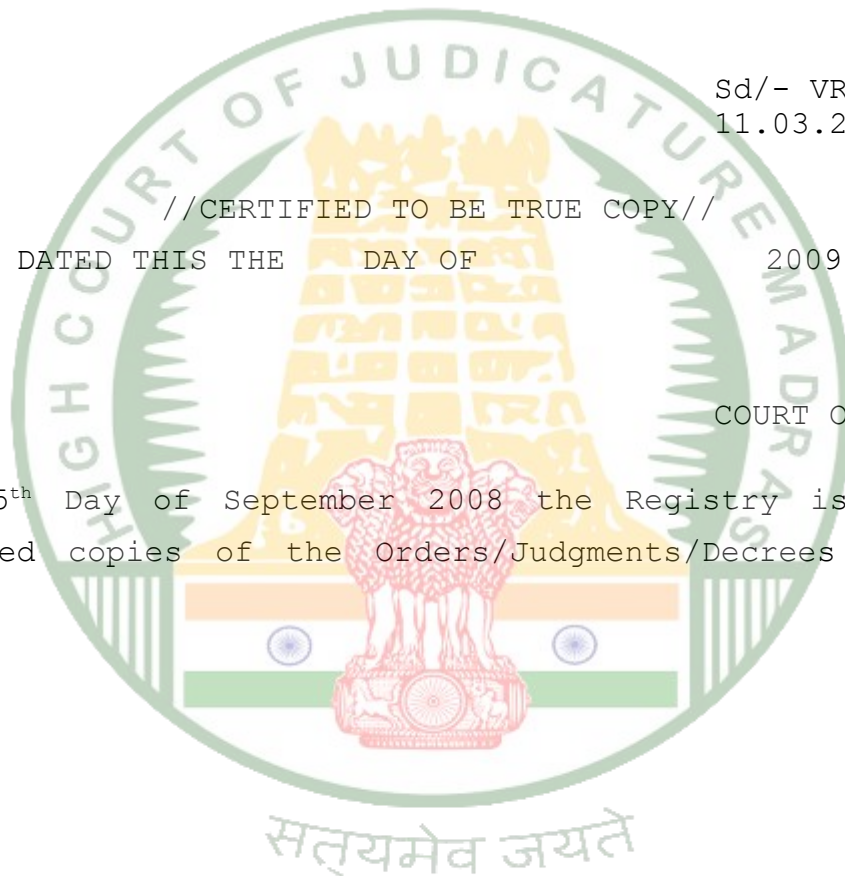
Sd/- VRSJ
11.03.2010

//CERTIFIED TO BE TRUE COPY//

DATED THIS THE DAY OF 2009

COURT OFFICER

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