

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2017

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

CMA.No.2518 of 2004
and
CMP.No.14985 of 2004

R.Venkatesan

.. Appellant

Vs.

J.Gunasekaran

.. Respondent

Prayer : Civil Miscellaneous Appeal preferred under Section 47 of the Guardians & Wards Act, 1890 against the order and decretal order passed in G.O.P.No.3/2003 dated 25.6.2004 on the file of the Additional District Judge, Pondicherry at Karaikal.

For Appellant : Mr.R.shivakumar
For Respondent : Mr.N.U.Prasanna
for M/s.Sai Bharath and Ilan

JUDGMENT

The respondent herein is the biological father of the child Kirubalakshmi and the appellant is the maternal grand father of the child. Seeking custody of the minor child, the respondent had filed a petition in G.O.P.No.3/2003 before the Additional District Court, Pondicherry at Karaikal and the same was ordered in his favour. Challenging the order of the lower Court, the appellant herein, the grandfather of the child has preferred the present appeal. This Court has stayed the order of the Court below, however granted only visitation rights to the father of the child as an interim measure.

2. The learned counsel for the appellant submitted that the respondent, the father of the child has got married and settled down and he has not turned up to see his daughter. It is also reported that the child is 17 years now and as per his instruction, she does not remember to have seen her father.

3. In the considered circumstances, to give a quietus to the present appeal, this Court directs the appellant to produce the child before the Court and the said appeal was adjourned to several occasions for production of child.

4. Today when the matter is taken up for hearing, the learned counsel for the respondent made a submission that his client, the father of the child, has no interest to take immediate custody of the child since the child is only few months to attain majority and that she has not been in his care throughout the duration of this litigation. The counsel for the respondent has also made an endorsement to that effect in the case bundle.

5. Since the respondent is giving up his interest in the order that he has obtained in his favour, this Courts records the same and allows the appeal and thereby the order passed in G.O.P.No.3/2003 dated 25.6.2004 on the file of the Additional District Judge, Pondicherry at Karaikal is set aside. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

ds

To:

1. Additional District Judge,
Pondicherry at Karaikal.

2.The Section Officer,
VR Section,
High Court, Madras.

+1cc to Mr.R.ShivaKumar, Advocate SR.No.79954

C.M.A.No.2518 of 2004

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