



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.101 of 2016

Veeralakshmi ... Appellant/Respondent

Vs.

Seenivasagam ... Respondent/Petitioner

Prayer: This Civil Miscellaneous Appeal is filed under Section 47 of Guardian and Wards Act, 1890, to set aside the judgment and decree dated 12.06.2015 passed in G.W.O.P.No.29 of 2011, on the file of the Additional District and Sessions Judge, Periyakulam.

For Appellant : Mr.M.Vedasingh

For Respondent : Mr.Jeganathan

JUDGMENT

Heard the learned counsel on either side.

2.This appeal has been filed by the mother, questioning the order dated 12.06.2015, made in G.W.O.P.No.29 of 2011, on the file of learned Additional District and Sessions Judge, Periyakulam.

3.The appellant herein got married to the respondent on 06.09.2004 at Theni. A female child Ragitha was born on 12.06.2005. The marital relationship between the parties herein is under strain. The respondent filed a petition for divorce and it was granted. The appellant filed an appeal made in H.M.C.M.A.No.7 of 2011, on the file of the District Court, Madurai and the same was allowed. The respondent has questioned the same before this Court and it is said to be pending. The issue involved in the present Civil Miscellaneous Appeal is however, regarding the guardianship and custody of the minor child Ragitha.

4.The respondent is the father of the child. He is the natural guardian of the child. The child is living with her father for the last eleven years. The appellant herein is working as a Siddha Doctor in the Government Hospital at Thiruthangal. The respondent herein filed G.W.O.P.NO.29 of 2011, seeking guardianship as well as the custody. The learned Trial Judge allowed the petition by order dated 12.06.2015. The respondent



was declared as the guardian. The appellant was given visitation rights. This is under challenge in this appeal.

5.This Court asked the respondent herein to produce the child before the Court. I had a long personal session with the child. The child is being brought up well by her father. The child is very intelligent.

6.The child Ragitha expressed her willingness to be only with her father. Therefore, the order passed by the Trial Court does not warrant any interference. The learned Trial Judge has given sound reasons for passing the order impugned in this appeal.

7.This Civil Miscellaneous Appeal is, therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

Tsg

To

1.The Additional District and Sessions Judge,
Periyakulam.

2.The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.P.Santhosh Kumar,Advocate in SR.No.89712

+1cc to Mr.C.Jeganathan Advocate

for M/S.Veera Associates, in SR.No. 89777

GJM/GT/SAR-2-5.1.18-2p-5c

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