



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No. 651 of 2017

and

C.M.P. (MD) No. 6772 of 2017

Usha Rani @ Bhuvaneshwari ... Appellant /Respondent
Vs.

R.Chidambaram ... Respondent/Petitioner

Prayer: Appeal filed under Section 47 of Guardians and Wards Act, to set aside the order and decreetal order dated 21.04.2017 passed in G.O.P.No.36 of 2015 by the Principal District Judge, Pudukkottai.

For Appellant : Mr.D.Ramesh Kumar
For Respondents : Mr.R.Santhana Krishnan

JUDGMENT

Heard the learned counsel on either side.

2.The appellant herein married the respondent on 24.03.2008 at Karaikudi. A male child Aswin Karthick was born on 04.11.2009. The marital life came under strain. The marriage ended in divorce on 08.01.2013. The child remained with the appellant herein. Seeking guardianship and custody over the child, the respondent filed G.W.O.P.No.18 of 2014 before the I Additional District Judge, Pudukkottai, which was later transferred to the Principal District Court, Pudukkottai and renumbered as G.W.O.P.No.36 of 2015. The learned Judge allowed the petition appointing the respondent herein as the natural guardian and also directed the appellant to handover the custody of the minor child Aswin Karthick within one month. Questioning the same, this appeal has been filed.

3.The learned counsel for the appellant reiterated the contentions set out in the memo of grounds.

4.It is seen that the appellant has got remarried. She is now living with her husband at Kumbakonam. She has given birth to a female child. The minor child is not with the appellant. It is with the maternal grandparents. The appellant is also employed as



a Teacher now. On the other hand, the respondent herein continues to remain single. As the father, he is the natural guardian.

5. Considering the developments that had taken place in this case and taking note of the fact that the minor child is a boy, it would be in the fitness of things to permit the father to have the custody of the child. The learned trial Judge applied the correct principles of law to the facts of this case and rightly allowed the petition. There is absolutely no justification in taking a different view.

6. This civil miscellaneous appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

The Principal District Judge, Pudukkottai.

Copy to

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

+1cc to Mr.D.Ramesh Kumar, Advocate sr.No.84580

ARUL

VB/KP/SAR3/05/12/2017/2P/4C

**C.M.A. (MD) No.651 of 2017
and
C.M.P. (MD) .No.6772 of 2017
31.10.2017**