



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.660 of 2017

and

CMP (MD) No.6842 of 2017

M.Kalyani ... Appellant/Respondent

Vs.

K.Sivalingam ... Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal is filed under Section 47 of Guardians and Wards Act, 1890 to set aside the executable and fair order dated 18.04.2017 made in G.W.O.P.No.4 of 2015 on the file of the learned I Additional District Court, Madurai.

For Appellant : Mr.P.Gunasekaran

For Respondent : Mr.K.Kumaravel

JUDGMENT

This appeal has been filed by the maternal grandmother of the child in question. The respondent is the father. The respondent got married to Mahalakshmi, daughter of the appellant herein on 24.06.2009. A child Brindha Shri was born on 16.07.2010 to them. The daughter of the appellant ie., the respondent's wife committed suicide on 09.03.2013. Crime No.113 of 2013 has been registered in this regard. The child has been with the appellant ever since. The respondent filed GWOP.No.4 of 2015 before I Additional District Judge, Madurai. The same was allowed on 18.04.2017. Challenging the same, this appeal has been filed.

2.Heard the learned counsel on either side.

3.Since the issue concerned the interest of the minor child, I had a long personal session with the child. I also spoke to the appellant as well as the respondent. The appellant is a widow. She is working as a staff in a reputed private hospital. The appellant has a married son. The child is being brought up well by the appellant. The child is getting a good education also.

4.Instead of disposing this appeal on merits, I suggested to



the parties that the issue can be amicably resolved by entering into some kind of arrangement by balancing rights of both parties to ensure the educational interest and welfare of the minor child in full. The parties agreed and accordingly the following directions are issued :

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1.The respondent ie.,K.Sivalingam is declared to be the guardian of the minor child Brindha Shri.

2.The appellant will be entitled to have the physical custody of the child.

3.The respondent will have the visitation rights. That apart, the child shall be with the respondent i.e., her father from Saturday evening till Sunday evening. The respondent can pick up the child from the appellant's house on Saturday evening and drop her back on Sunday evening.

4.The respondent is having custody of the Sridhana articles (Jewels 15 Sovereigns) gifted by the appellant on the eve of her daughter's marriage to the respondent. The respondent is directed to return the jewels to the appellant within a period of four months from the date of receipt of a copy of this order.

5.The order dated 18.04.2017 on the file of I Additional District Judge, Madurai is set aside. This appeal is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The I Additional District Judge, Madurai.

Copy to:

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

+ 1 cc TO Mr.K.Kumaravel , Advocate in SR No. 88113

+ 1 cc TO Mr.P.Gunasekaran , Advocate in SR No. 87723

skm

AE/SKN RSK/SAR1/20.12.2017/2P/5C

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