



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Twenty Third day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice S.BASKARAN

CMP(MD) No.10709 of 2017

IN

TR CMP(MD) No.179 of 2017

I.PREETHI

... PETITIONER/ PETITIONER/
RESPONDENT

Vs

LEO ARUN KUMAR

... RESPONDENT/ RESPONDENT/
PETITIONER

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass order to permit Petitioner's daughter Rayna Deborah her sisters Deepthi Sylvia marriage to be held on 24/11/2017 for 3 days .

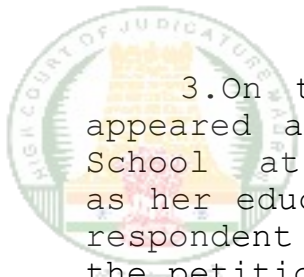
Prayer in TR CMP(MD) . 179/ 2017 :

To pass order to withdraw the IDOP.NO.458/2016 on the file of the Additional Family Court of Coimbatore and transferred to Honourable Family Court, Trichy.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.HAJA MOHIDEEN, Advocate for the petitioner and of M/S.SYEED ALI, Advocate on behalf of the Respondent the court made the following order:-

The petitioner/wife has come forward with this petition seeking custody of her minor daughter for three days so as to enable her to attend her sister's marriage to be held on 24.11.2017.

2. The petitioner states that her husband/respondent filed I.D.O.P.No.458 of 2016, seeking restitution of conjugal rights and the same is pending on the file of the Additional Family Court, Coimbatore. Whiles, the petitioner/wife states that her daughter is in the care and custody of her husband in Kodaikanal and her daughter is studying I Standard in Zion School in Kodaikanal and the petitioner's sister is getting married in Trichy on 24.11.2017 and her in-laws have been invited for the same. The petitioner went to Kodaikanal on 18.11.2017, but her in-laws refused to receive the invitation. The petitioner states that herself and her sister want to see the minor daughter to be present for the marriage. Hence, the petitioner seeks the custody of her minor daughter for three days so as to enable her to attend the marriage of her sister on 24.11.2017 at Trichy. Hence, this petition has been filed.



3. On the other hand, the learned counsel for the respondent appeared and states that the minor daughter is studying in Zion School at Kodaikanal and it is not possible to go for three days, as her education will suffer. However, the learned counsel for the respondent states that the child can be permitted to go along with the petitioner for one day to attend the marriage.

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4. Considering the rival contentions, this Court is of the view that the petitioner can have the custody of the child for one day i.e. on 24.11.2017, so as to enable the minor daughter to attend the marriage of petitioner's sister at Trichy. Accordingly, this petition is ordered.

5. In the result, the respondent is directed to hand over the minor daughter Rayna Deborah to the petitioner at Femina Hotel, Trichy by 07.00 a.m on 24.11.2017. The petitioner will return the child to the respondent on the same day evening by 05.00 p.m at the same place. The petitioner will bear the to and fro costs of travelling of the minor daughter and accompanying person from Kodaikanal to Trichy. The petitioner is directed to take proper pre-caution for the safety of the child, during her presence in the marriage function and till she is handed over to the respondent.

sd/-
23/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE JUDGE,
ADDITIONAL FAMILY COURT, COIMBATORE.

+1CC TO M/S. A.HAJA MOHIDEEN, ADVOCATE, SR NO.34969
+1CC TO M/S. N.SYED ALI, ADVOCATE, SR NO.34998

ORDER
IN
CMP(MD) No.10709 of 2017
IN
TR CMP(MD) No.179 of 2017
Date : 23/11/2017

MS/PM-PN/SAR.3/23.11.2017/2P.4C