

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2018

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR**O.P.No.981 OF 2017 and**
A.No.3799 of 2017 of 2018

Mr. Sojo Cherian

..

Petitioner

Vs.

Mrs. Preethika Gracelin.P

..

Respondent

Petition filed under Section 3,7,8,9,10 and 25 of the Guardians and Wards Act, 1890 r/s Clause 17 of the Madras High Court Letters Patent r/w O.XXI R.2 and 3 of the Madras High Court Original Side Rules to declare the petitioner as Legal Guardian of the minor child viz., Master Ruan Joseph (Dated of birth 30.11.2011) and consequently direct the respondent to return custody of the minor child Master Ruan Joseph to the petitioner.

For Petitioner : Mr. Ambili Menon

For Respondent : Mr.N. Paul Sunder Singh

ORDER

The main O.P. filed to declare petitioner as legal guardian and for Permanent custody of the minor child Master Ruan Joseph. The Application has been filed by the respondent/husband for Visitation Right to visit the

child.

2. Today, both parties were present along with minor child viz., Ruan Joseph (aged 6 years). I have interacted with the husband and wife separately. They expressed their difficulty and also gone beyond reconciliation. Hence, both of them informed me that both will have a separation by mutual divorce. The petitioner has agreed for temporary custody of the child and after such interaction it was decided by the parties that the minor child shall be kept with the custody of the father on 1st and 3rd week ends of every month i.e., from Saturday 9.00 a.m. till 6.00 p.m. on Sunday. The petitioner viz., the father of the minor child shall take the custody of the child to his brother's house viz., Mr.Jojo Joseph Mathew, situate at New No.14, Venkateswara Nagar, I Street, Adyar, Chennai 600020 (Mobile No.9840898450) and live with the child along with his brother and family and return the custody of the child to his mother i.e., respondent at her house at 6.00 p.m.on Sunday. This arrangement shall continue till mutual divorce is obtained by the parties by moving proper application before the proper forum. It is the apprehension of the respondent that the father of the child/petitioner is to take liquor in the house that may affect the child. It is made clear that for the interest of the child, the father of the child himself should avoid such things in front of the child.

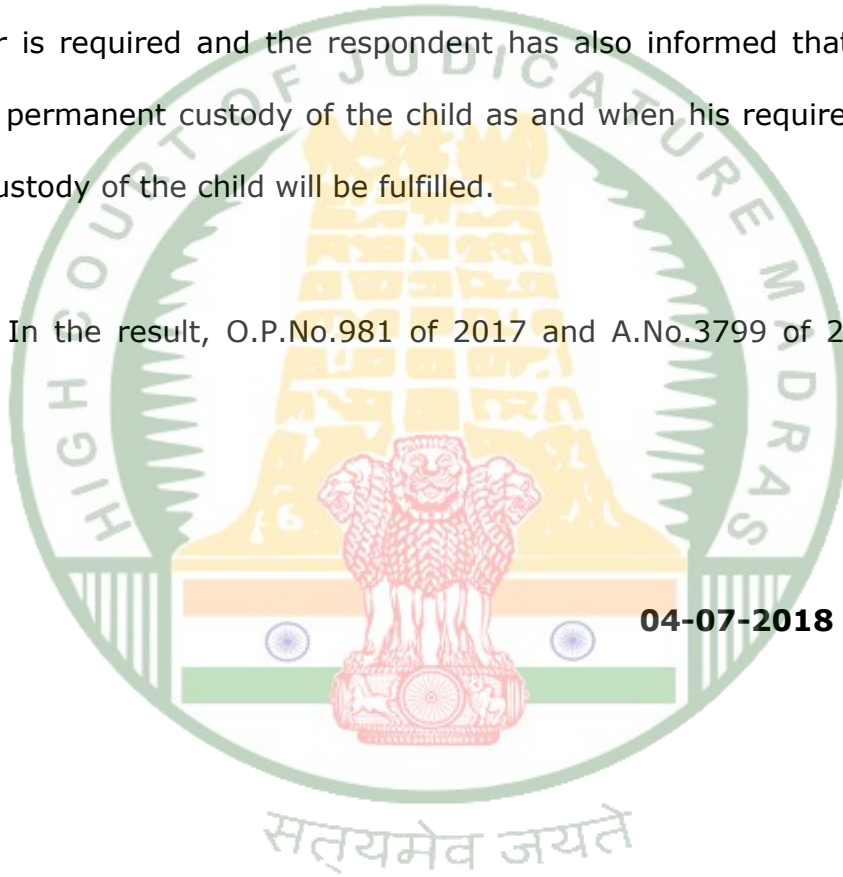
3. It is made clear that during long holidays the parties also see to that the minor child gets love and affection of its paternal and maternal grand parents. It is also made clear that the registry is directed not to issue

copy of the mental assessment report of both the parties in this proceedings.
With this observation this application is disposed of.

4. In view of the fact that the parties have agreed for temporary custody of the child as stated above, this O.P. itself can be disposed of as no further order is required and the respondent has also informed that he will not seek for permanent custody of the child as and when his requirement of temporary custody of the child will be fulfilled.

5. In the result, O.P.No.981 of 2017 and A.No.3799 of 2018 are disposed of.

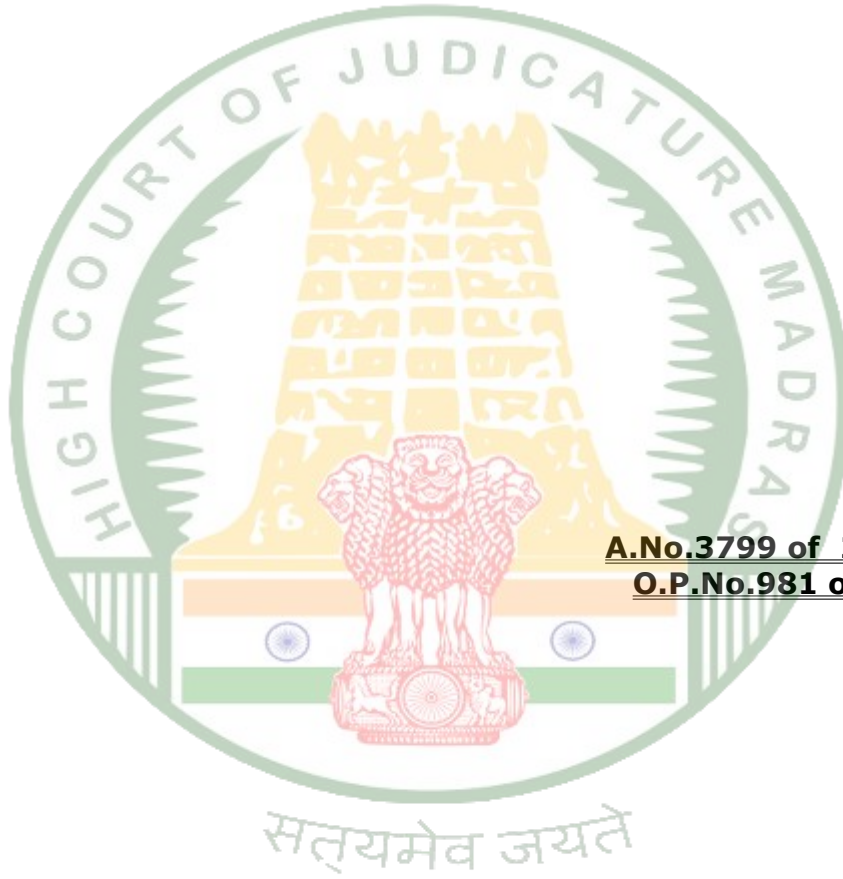
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N. SATHISH KUMAR,J.

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A.No.3799 of 2017 in
O.P.No.981 of 2017

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