

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 20th DAY OF DECEMBER 2018

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

A. No.9759 of 2018

in

O.P. No.860 of 2016

In the matter of Guardian
and Wards Act, 1890

and

In the matter of Shivdevan-
Minor

Ms.Abirami Kalyanasundaram,
D/o.Kalyanasundaram,
L1, Rohini Gardens,
Santhome High Road,
Raja Annamalaipuram,
Chennai-600 028.

... Applicant/Petitioner

-Versus-

Mr.S.Sakthivel,
S/o.Dr.R.Sundaravadivelu,
Flat 10H, Block 2,
Ramaniyam Sanjivini,
72/1, Dr.Muthulakshmi Salai,
LB Road, Thiruvannamiyur,
Chennai-600 041.

... Respondent/Respondent

Application praying that this Hon'ble Court be pleased to direct the respondent to hand over the passport of the applicant's son Shivdevan to the applicant immediately so as to enable her to take her son Shivdevan to visit Malaysia on tour during Christmas vacation.

This Application coming on this day before this court for hearing, the court made the following order:-

This application has been filed seeking a direction to the respondent to hand over the Passport of the minor child Shivdevan to the applicant, to enable her to take her son to Malaysia, during Christmas vacation.

2. Heard Mr.K.Raja, learned counsel for the applicant and Mr.S.Santhosh Kumar, learned counsel for the respondent and perused the materials available on record.

3. The Original Petition No.860 of 2018 has been filed by the applicant to appoint her as a guardian to the minor child. It seems that during the pendency of the petition, the applicant filed O.A.No.1034 of 2016, seeking interim injunction. This Court granted an order of interim injunction dated 18.11.2016, which was also confirmed by the Division Bench of this Court in O.S.A.No.263 and 264 of 2017, dated 23.07.2018. Admittedly, now the minor child is with the applicant and the passport of the minor child is in the custody of the respondent.

4.The learned counsel for the respondent vehemently opposed the application contending that the applicant is a highly qualified graduate and under the guise of taking the child for Christmas vacation, she will permanently settle in abroad.

5. When the matter was listed on 19.12.2018, the learned counsel for the applicant sought time to file an affidavit of undertaking that the applicant would come back to India on or before 31.01.2019 and she will handover the Passport to the respondent. The Affidavit of undertaking of the applicant dated 20.12.2018 has been filed today and the same is taken on file.

6. In the right of above facts, the respondent is directed to handover the Passport of the minor child to applicant forthwith to enable the applicant to take her minor child to abroad. It is made clear that the undertaking given in the affidavit shall be complied scrupulously.

Sd/-M.K.K.S.J
28.11.2018

//Certified to be a true copy//

Dated this the day of 2019
JJ 10/01/19

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.