



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

Thursday, the Sixth day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMP(MD) No.7681 of 2018

IN

CMA(MD) No.366 of 2018

KAREEM FARTHEEN @ RAGHAMATHULLA

... PETITIONER/RESPONDENT

Vs

BAJILABANU

... RESPONDENT/APPELLANT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to order Interim custody of minor Mohamed Fawaz to this petitioner on All Saturdays of every month till the disposal of the main CMA No.366/2018 and thus render justice.

Prayer in CMA(MD) . 366/ 2018 :

To set aside the Judgment and Decree dated 14.03.2018 made in GOP.No.37 of 2015 on the file of Principal District Court,Pudukottai and render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.C.RAMALINGAM, Advocate for the petitioner and of Mr.V.SITHARANJANDAS, Advocate for the respondent, the court made the following order:-

This petition has been filed to order an interim custody of minor child viz., Mohamed Fawaz to this petitioner on all Saturdays of every month till the disposal of the above Civil Miscellaneous Appeal.

2. According to the petitioner, he has filed G.O.P.No.37 of 2015, on the file of the Principal District Court, Pudukkottai to declare the petitioner as guardian for his minor son. Pending GOP.No.37 of 2015, interim custody was given to the petitioner to have the custody of the minor son on the first and third Saturday of every month and the same was complied by the respondent. Now, the said GOP was heard and allowed on merits. Against the said order the respondent, has filed the present Civil Miscellaneous Appeal.



3. This Court by order dated, 13.06.2018, granted interim stay of order passed in the GOP.

4. According to the petitioner, in view of the interim order passed by this Court in CMP(MD).No.4804 of 2018, dated 13.06.2018, the respondent refused to give custody of the minor to the petitioner. In the circumstances, the petitioner has come out with the present petition for interim custody of minor child for all the Saturdays of every month till the disposal of this Civil Miscellaneous Appeal

5. The respondent took time for filing counter. Even today, the respondent has not filed counter. But, the learned counsel appearing for the respondent submitted that the respondent has no objection to send the minor son on the first and third Saturday of every month and he also admitted that the petitioner was given interim custody of minor son on the first and third Saturday of every Month pending GOP.

6. I have heard the learned counsel appearing on either side.

7. Considering the fact that the minor is 13 years old and pending GOP the petitioner was given custody of minor on the first and third Saturday of every month and that the respondent has also no objection to hand over the minor child to the petitioner on the first and third Saturday of every month, the respondent is directed to hand over the custody of the minor child to the petitioner on the first and third Saturday of every month from 22.09.2018 onwards. The respondent shall hand over custody of minor son to the petitioner on the first and third Saturday of every month at 8.00 a.m and the petitioner shall hand over the minor son to the respondent at 8.00 p.m on the same day.

8. Accordingly, this petition is ordered.

sd/-
06/09/2018

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



TO

THE PRINCIPAL DISTRICT JUDGE, PUDUKOTTAI

+1. C.C. to Mr.K.C.RAMALINGAM Advocate SR.No.16989

ORDER

IN

CMP (MD) No.7681 of 2018

IN

CMA (MD) No.366 of 2018

Date :06/09/2018

TK/VR-MMS/SAR.1/06.09.2018/3P-3C