

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

CMA NO.1203 OF 2016
AND CMP NO.9073 OF 2016

Santhi ... Appellant

Vs.

Mugesh ... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 47 of Guardian and Ward Act, 1890, to set aside the fair and final order passed by the Principal District Judge, Tiruppur, in G.W.O.P.No.51 of 2012 dated 29.01.2016.

For Appellant : Mr.T.Ganesan

For Respondent : Ms.A.L.Gandhimathi

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the fair and final order passed by the Principal District Judge, Tiruppur, in G.W.O.P.No.51 of 2012 dated 29.01.2016.

2. The appellant is the grandmother of Minor Pravanesh, aged about 10 years. She filed a petition to appoint herself as Guardian of the minor child under Section 6 of the Hindu Minority and Guardianship Act, 1956 read with Section 7(i)(b) of the Guardians and Wards Act, 1890.

3. The learned Principal District Judge, Tiruppur, after considering the rival contentions and after taking into consideration of the welfare of the minor child, in confidence, ordered that the appellant be appointed as a Guardian of the minor child, with visitation rights to the respondent / father. As per the order, the respondent / father is entitled to have custody of the minor child on the second and fourth Sundays between 10.00 am and 05.00 pm. Against the said order, the appellant is before this Court.

4. When the matter was taken up for hearing on 24.03.2017, the same was referred for mediation, where the parties have arrived at an amicable settlement in respect of visitation rights of the respondent / father. The parties have agreed that the minor child, as directed by the learned Principal District Judge, will be given to the custody of the respondent / father on second and fourth Sundays between 10.00 am and 05.00 pm. It is further agreed that the appellant shall hand over the child to the respondent at 10.00 am at Veeraraghava Perumal Koil, near Old Bus Stand, Tiruppur and the respondent will hand over the child to the appellant at 05.00 pm in the very same place. The parties have also filed an interim joint memo of settlement dated 13.04.2017.

5. Today, on hearing both sides, the parties have agreed to continue the interim arrangement as per the interim joint memo of settlement dated 13.04.2017. The interim joint memo of compromise filed by the parties reads as under:

"INTERIM JOINT MEMO FILED BY BOTH PARTIES

1. Both parties do hereby agreed that the father / Respondent can visit the child Pravanesh on 16.04.2017 (Sunday) between 10. am to 5 pm.

2. The parties also agreed that the appellant Shanthi shall hand over the child at about 10 am in the morning at Veeraraghava Perumal Koil situated near the old Bus Stand, Thiruppur.

3. Both parties agreed that the respondent / father Mugesh is at liberty to take the child Pravanesh anywhere in and around Thiruppur City during the above said period from 10 am to 5 pm and shall hand over the child to the appellant Santhi about 5 pm.

4. Both parties further agreed that the same arrangement shall continue on 23.04.2017 (Sunday) and even on the 2nd and 4th Sunday of May 2017 (i.e.) 14.05.2017 and 28.05.2017.

5. Both parties have exchanged their phone numbers and shall keep each other informed of the timings of handing over and returning back of the child etc."

6. The interim joint memo filed by the parties on 13.04.2017 is taken on file and shall form part of the judgment. The Civil Miscellaneous Appeal is ordered in terms of the above interim joint memo filed by the parties. No costs. Consequently, connected civil miscellaneous petition is closed.

*Enclosed Xerox Copy of the Joint Memo dated 13/04/2017

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

TK

To

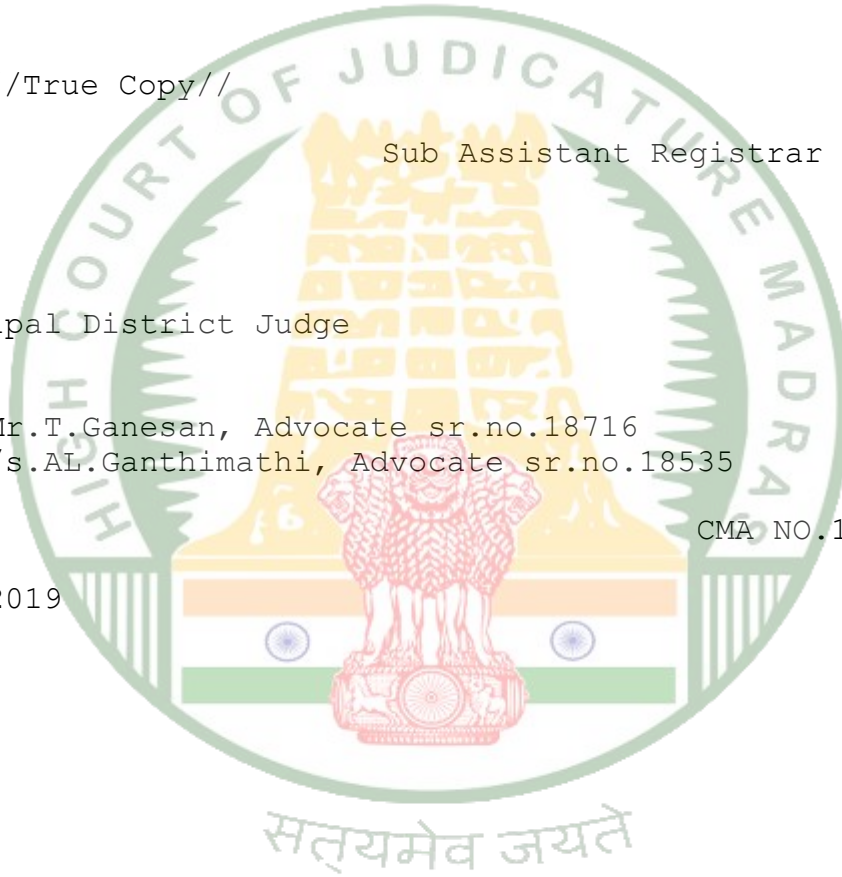
The Principal District Judge
Tiruppur.

+2cc to Mr.T.Ganesan, Advocate sr.no.18716

+1cc to M/s.AL.Ganthimathi, Advocate sr.no.18535

CMA NO.1203 OF 2016

nr 23/04/2019



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