

A.No.3659 of 2019
in
O.P.No.388 of 2019

R.SUBRAMANIAN,J.

The Original Petition in O.P.No.388 of 2019 has been filed by the petitioner seeking to appoint herself as the guardian of the minor child and to grant permanent custody of the minor child to the petitioner.

2. The petitioner is the mother and the respondent is the father of the child. Pending the above Original Petition, the petitioner seeks interim custody of the minor child till the disposal of the Original Petition in A.No.3605 of 2019.

3. This Court by an order dated 16.05.2019 had granted interim custody of the child for a period of 15 days from 18.05.2019. The said period of 15 days had expired on 01.06.2019. The applicant has come forward with the application in A.No.3659 of 2019 seeking extension of the interim custody.

4. The said application is opposed by the respondent contending that the applicant had in fact have given up her rights for custody and guardianship of the minor child in O.P.No.376 of 2018. She had in fact filed

an affidavit in the said Original Petition stating as follows:-

“10. Hence I respectfully state that on considering the welfare of the child, I with my full Consent accept and give the custody of my child Haren Harishankar to the respondent/ husband Harishankar until the child attain major in age. Further in future I will not ask for child custody.”

5. Recording the said statement made by her in the affidavit, this Court has passed the following order on 21.01.2019.

“6. Pursuant to the affidavit filed by the petitioner, she is now handing over the custody of the minor child to the respondent. The respondent undertakes to take care of the minor child and the minor child is also willing to go along with his father, the respondent herein.

7. In the light of the above facts, this Court is of the opinion that no further adjudication is required in this Original Petition. Accordingly, this Original Petition is closed. Consequently, A.No.9304 of 2018 is also clsoed.”

6. It is now claimed that an application seeking review of the order dated 21.01.2019 has been filed and it is pending in the SR stage.

7. The facts narrated above would show that the applicant had given up her rights over the minor child and had filed an affidavit in this Court and this Court had acted upon the affidavit and has passed the order. The fact that she has filed a review of the said order, does not entail her to seek custody of the child contrary to the order of this Court.

8. I am therefore not inclined to extend interim custody granted on 16.05.2019. Hence, the application is **dismissed**.

9. In view of the dismissal of the application, the applicant is directed to handover the custody of the child to the respondent/ husband forthwith.

04.06.2019

½

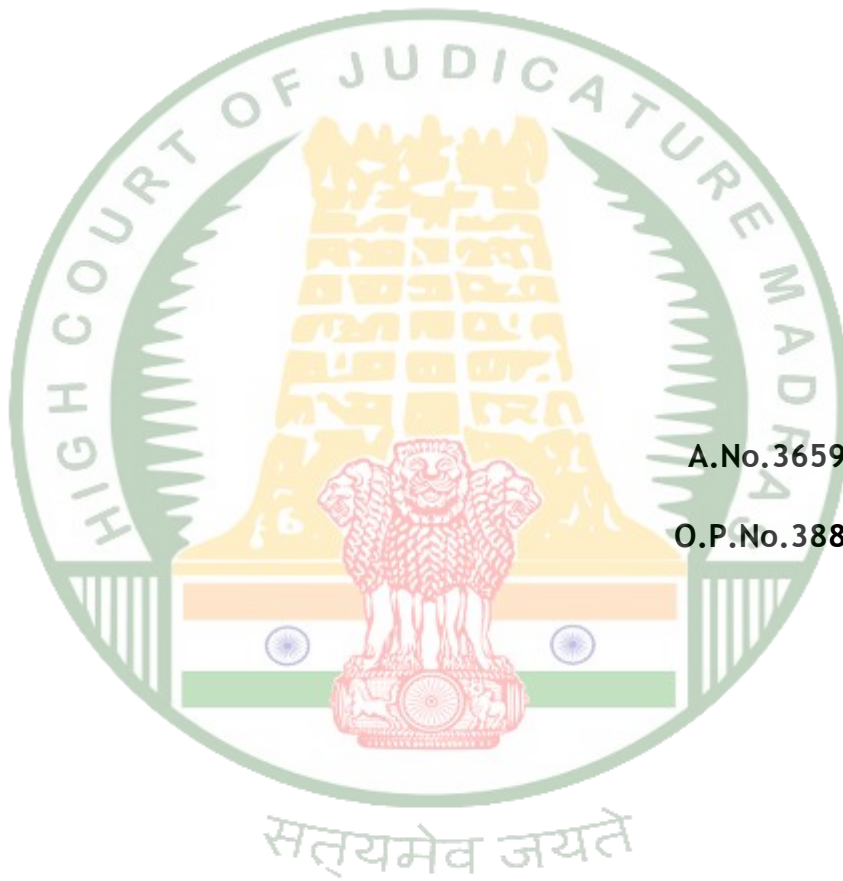
dsa

Note:- Issue Today.

WEB COPY

R.SUBRAMANIAN,J.

dsa



A.No.3659 of 2019
in
O.P.No.388 of 2019

WEB COPY

04.06.2019