

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

O.S.A.No.161 of 2019
and
C.M.P.No.14073 of 2019

Sophia P.Mercy,
W/o.S.D.Gaxton,
No.17, Parasuraman Nagar,
Kolathur, Chennai 600 110. Appellant

Vs

S.D.Gaxton,
S/o.C.S.Dhas,
No.29, Prajwal Millennium,
10th Avenue, Ashok Nagar,
Chennai 600 083. Respondent

PRAYER : Appeal filed to set aside the order passed in Application No.1781 of 2019 in O.P.No.1056 of 2018 dated 06.06.2019 on the file of the original side of this Court.

For Appellant :Ms.Gajalakshmi Rajendran

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The Appeal has been filed to set aside the order passed in Application No.1781 of 2019 in O.P.No.1056 of 2018 dated 06.06.2019.

2.The Original Petition No.1056 of 2018 has been filed by the respondent/ex-husband of the appellant herein for custody of the children, who are with the appellant, under Section 25 of the Guardians and Wards Act. In the said Petition, Application No.1781 of 2019 has been taken out by the respondent herein to refer the minor children for psychological assessment and follow up therapy by a qualified Pediatric Psychologist. In I.A.No.1781 of 2019, an order has been passed on 30.04.2019, which is not produced before this Court. By the same order,

Dr.Sangeetha Madhu, Child Psychologist was appointed for psychological assessment of the children. Dr.Sangeetha Madhu has expressed her inability to do the evaluation due to her pre-occupation and therefore, by order dated 06.06.2019, this Court referred the children to Dr.Nappinnai Seran, as the learned counsel appearing for the appellant has expressed his no objection in the Application, to refer the children to Dr.Nappinnai Seran.

3.When the learned counsel appearing for the appellant herein has expressed his no objection before the learned single Judge based on which this Court has already passed an order directing the appellant to produce the children for psychological assessment before Dr.Nappinnai Seran, there is no valuable reason in filing this Appeal.

4.Accordingly, the Appeal fails and the same is dismissed. The appellant is directed to inform the learned counsel appearing on behalf of the respondent about the date and time on which the children will be produced before Dr.Nappinnai Seran, after getting appointment from the said Doctor. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+2cc to Mr.R.Manoranjitham, Advocate Sr.58173

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