

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.04.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.2755 of 2017 &
C.M.P.No.16878 of 2017

P.N. Raghav

.. Appellant

-vs-

C. Chithra

.. Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 47 of the Guardian and Wards Act, 1890 against the order and decreetal order dated 29.4.2017 on the file of the Principal Family Court, Coimbatore made in G.W.O.P.No.549 of 2016.

For Appellant : Mr.Arun Kumararajan
For Respondent : Mr.S. Gunalan

JUDGMENT

The Present Civil Miscellaneous Appeal is preferred against the order passed by the Principal Family Court, Coimbatore in dismissing appellant's claim of custody of his minor son.

2. According to the Appellant, the minor was aged about five during the dismissal of GWOP and now that he is seven years old.

3. Learned counsel for the Appellant would submit that even though the appellant/father claims custody of his minor child, he would be satisfied if the frequency of visitation rights is increased and that the appellant is permitted to take the child during vacations and family functions along with him for a short period.

4. The minor child is much attached to the mother and is not able to take any decision in this regard. It is submitted during the course of argument that the appellant got re-married and is not regularly visiting the child.

5. The report of psychologist reveals that Parent Alienation Syndrome affects the child. At the age of seven, children are in a position to take decision to shape up their

future. Any disturbance caused at this age may affect the child's behavioural pattern and his emotions. The child may lose his/her confidence which may lead them to take wrong decisions. It is always advisable that the parents do not use the children as their trump card. In the present case, bearing the future of the child in mind, both the parents shall infuse confidence, happiness and harmonious atmosphere to the child to strengthen his emotional stability and unbiased approach to the society. Since the matter is finally decided, the parents now can think only of the welfare of the minor rather than his custody.

6. Considering the welfare of the minor and facts and circumstances of the case, this Court is not inclined to interfere with the present arrangement.

7. In fine, the order passed by the trial Court is confirmed. Further, liberty is granted to the appellant to approach the respondent/mother for taking the minor child for his family festivals. I hope that the mother will accept all reasonable proposals which are good for minor child and make him confident and unbiased to go along with the appellant/father. Parties are free to decide on suitable arrangements with mutual consensus for the bright future of the child.

8. The Civil Miscellaneous Appeal is disposed of with the above observation. No costs. Consequently, the connected C.M.P.No.16878 of 2017 is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

msr

To

1. The Principal Family Court, Coimbatore

2.The Section officer

VR Section, High Court, Madras 104.

+1 CC to Mr. Arun Kumararajan, Advocate sr 36703.

+1 CC to Mr.S.Gunalan, Advocate sr 36877.

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NRL(CO)
SP(19/08/2019)