

Application No.5847 of 2019
in
O.P.No.199 of 2018
SENTHILKUMAR RAMAMOORTHY.J,

This Application is filed for an order of Ad-Interim custody of the minor female child viz., B.Shree Rangeeni, aged about 4 years. She is presently in the custody of the respondent.

2. I heard the learned counsel for the Applicant/Petitioner and the learned counsel for the Respondent/Respondent.

3. The learned counsel for the Applicant submitted that the Applicant married his late wife viz., Kalpana on 18.01.2013 and that the minor child viz., B.Shree Rangeeni was born on 03.11.2014. Subsequently, the Applicant's wife died during the birth of the second child on 05.01.2017.

4. In view of the fact that the said death took place within seven years from the date of marriage, an enquiry was ordered through the Revenue Divisional Officer. However, the learned counsel for the Applicant submits that the death was not due to suicide but due to medical reasons.

5. On account of the death of the mother, the learned counsel submitted that the father is the only natural guardian of the child and that therefore, the Applicant is entitled to get interim custody. At present, the maternal grandmother has custody of the child and she is unable to look after the child properly because she has to take care of her other grandchildren also.

6. On the contrary, the learned counsel for the Respondent submitted that the child has been in the custody of the maternal grandmother since 05.01.2017, when the mother of the child died prematurely. He further submitted that the maternal grandmother takes good care of the child and that the child should not be disturbed from the current home environment, which is in the welfare of the minor child. However, he is ready and willing to agree to visitation rights on a weekly or fortnight basis.

7. I considered the submissions of the learned counsel for the respective parties and also examined the records.

8. The undisputed fact is that the minor female child is under the care and custody of the maternal grandmother since 05.11.2017. There is no evidence at this juncture that the child has not been looked after

properly. The trial in the O.P. has commenced and I see no reason to withdraw the child from the custody of the maternal grandmother at this juncture.

9. In this regard, it is also relevant to note that the Applicant/father is a civil engineer and he is therefore busy with his work. At the same time, as a father, the Applicant is entitled to get visitation on a regular basis so as to build a bond with his daughter.

10. Therefore, I am of the view that the ends of justice would be satisfied, if pending final disposal, the Applicant is granted visitation rights on a weekly basis.

11. Accordingly, this Application is disposed of by issuing the following directions:

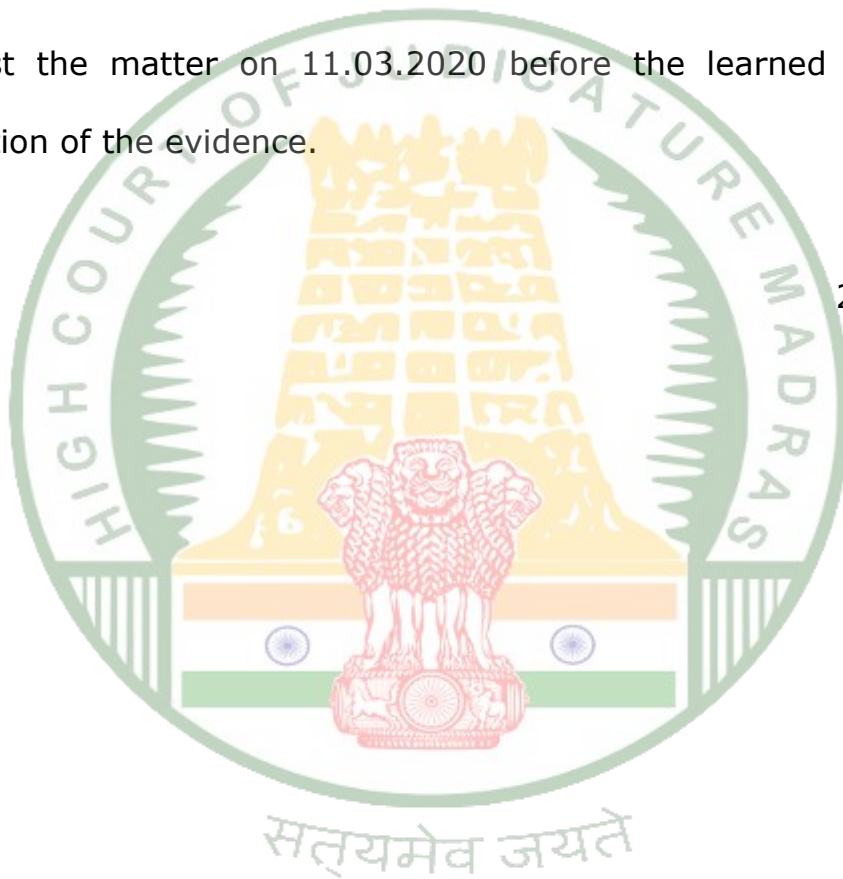
i. The Respondent/grandmother shall bring the minor female child, viz., B.Shree Rangeeni to the Child Care Centre in the Family Court Complex on every first and third Saturday at 10.30 A.M. The Applicant/Father shall have to full access to the child from 10.00 A.M. to 4.00 P.M.

ii. Similarly, the Respondent/grandmother shall bring the minor girl child to the Child Care Centre at the Family Court Complex on every second and fourth Friday at 10.00 A.M. and the Applicant/father shall have to full access to the child until 4.00 P.M.

Post the matter on 11.03.2020 before the learned Master for continuation of the evidence.

27.02.2020

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