



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.NO.1236 OF 2016

AND

C.M.P.NO.9349 OF 2016

Kumar

... Appellant/Petitioner

Vs.

1.Rajkumar

2.Kannammal

3.Anandhan

... Respondents/Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 47 of Hindu Minority and Guardianship Act, 1890, to set aside the judgment and decree dated 18.01.2016 made in G.O.P.No.259 of 2014 passed by the learned Principal District Judge, Salem, by allowing the appeal as prayed for in the said G.O.P.

For Appellant : Mr.M.Elango

For Respondents : Mr.R.Marudhachalamurthy

J U D G M E N T

The judgment and decree dated 18.01.2016 passed in G.O.P.No.259 of 2014 is under challenge in the present Civil Miscellaneous Appeal.



5.This Court is of the considered opinion that the right of the appellant as a father was recognised by the trial Court. However, the trial Court considered the practical difficulty of a father to bring up a girl child and now, the girl child would be around 9 years old. At this point of time, if the custody is taken away from the grandparents, it will cause greater hardship to the minor child as rightly pointed out by the trial Court. Therefore, this Court is of an opinion that the right of the appellant has been properly recognised by the trial Court by giving visitation rights on all holidays and therefore, this Court is not inclined to interfere with the findings of the trial Court in the impugned judgment.

6.Accordingly, the judgment and decree, dated 18.01.2016, passed in G.O.P.No.259 of 2014, is confirmed and consequently, the Civil Miscellaneous Appeal is dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

Sub Assistant Registrar

mkn

To

The Principal District Judge,
Salem.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.17209

C.M.A.No.1236 of 2016

NR(CO)
RLP(08/11/2021)