

O.A.No.330 of 2021
in O.P.No.385 of 2021

V.PARTHIBAN.,J.

Seeking an order of interim injunction restraining the respondent, from removing the minor child P.Kaushal born on 23.11.2010 now aged about 11 years from the custody of the petitioner pending disposal of the OP.

2. Perused the documents and heard the learned counsel appearing for the applicant.

3. The O.P. has been filed to grant custody of the minor children P.Kaushal aged 10 years and P.Yazhini aged 6 years to the petitioner. The learned counsel for the petitioner would submit that the petitioner has got himself discharged from Indian Army in 2019 because the respondent was neglecting the welfare of the children. The respondent started fighting with the petitioner over his settlement money and wanted to buy lands for herself. In the entire lockdown period, the respondent was in her parents home and returned only in the month of August. On 25.06.2020, when the petitioner's father passed away the respondent attended the funeral only for one hour. On 15.12.2020, the respondent did not feed the kids and on questioning the same by petitioner's mother and sister, the respondent abused them in vulgar language and hit the petitioner's mother.

4. Thereafter, on complaint in the local Police Station, on behest of the SI of Police, the respondent and the daughter were sent back to the respondent's house and the son was left with the petitioner. The learned counsel would further submit that there were two attempts to forcibly take away the son from the petitioner's custody by the respondent's brother and he also challenged the petitioner that he will somehow remove the son from the custody of petitioner. Therefore, he has come up with this application praying from removing the child from the custody of the petitioner.

5. In view of the above facts and circumstances of the case and despite the notice being issued on the respondent, as she did not choose to appear before this Court, this Court is of the view that the petitioner has made out a *prima facie* case and the balance of convenience is also in favour of the petitioner. Hence, the Original Application stands ordered.

सत्यमेव जयते

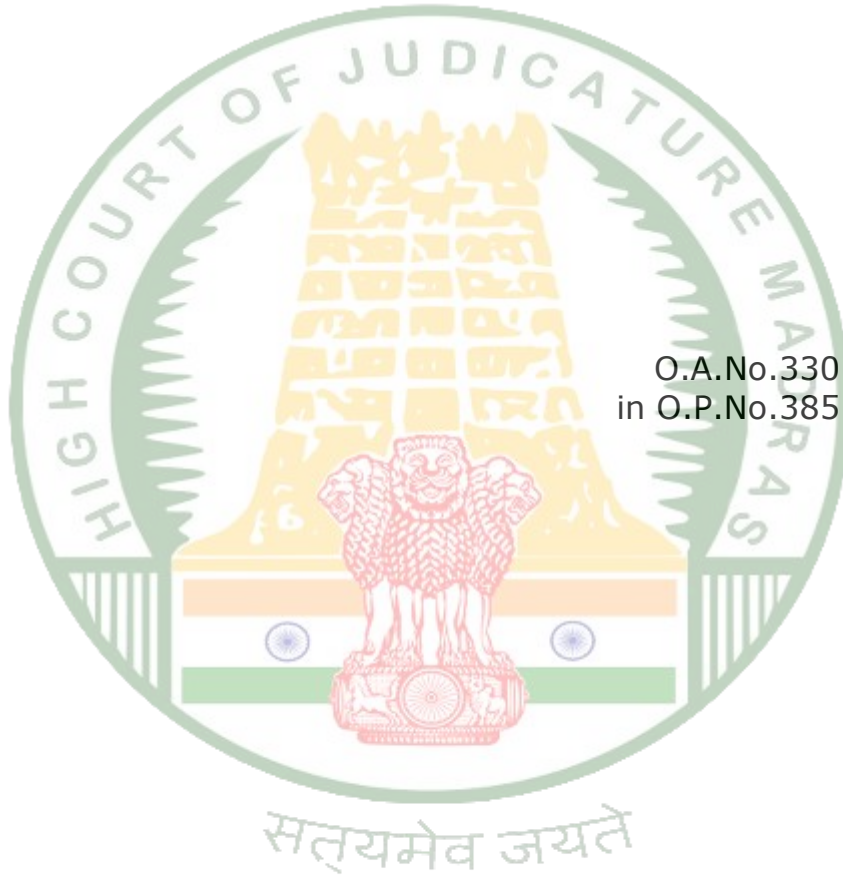
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