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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 08TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE V. PARTHIBAN

O.P.No. 194 of 2021

and

A.No. 825 of 2021

In the matter of the Guardian and  
Wards Act

In the matter of the minor child  
R.Oviya.

Dr. T.C. Ramesh Kumar,  
S/o. Late. T.P. Chakravarthy,  
Flat No. B-7, Alankar Apartments,  
12/25, Raman Street, T.Nagar,  
Chennai – 600 017.

... Petitioner /Applicant  
(O.P No. 194 of 2021 &  
A.No. 825 of 2021)

-Vs-

Mrs. Kavitha Gowthami Kalimuthu,  
D/o. Late. V. Kalimuthu,  
Flat No.3F, Mandira Apartments,  
23 A, North Boag Road, T.Nagar,  
Chennai – 600 017.

Presently residing at  
No.1/246, Andikadu,  
Kallapuram Road,  
Elayamuthur Post, Udumalpet Taluk,  
Tiruppur District – 642 154.

... Respondent/Respondent  
(O.P No. 194 of 2021 &  
A.No. 825 of 2021)

**O.P.No. 194 of 2021:-**

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Original Petition praying that this Hon'ble Court be pleased to pray for an order directing the Respondent (a) to hand over custody of minor child R.Oviya, aged 14 years, born on 9.06.2006 to the Petitioner.

**A.No. 825 of 2021:-**

Application praying that this Hon'ble Court be pleased to direct the Respondent to enable minor child R.Oviya, aged 14 years, born on 9.06.2006 to attend her classes and examination of Class IX in the Grove's School, Alwarpet, Chennai.

This Original Petition alongwith the application coming on this day before this Court for hearing in the presence of Mr.K.Elango, Advocate for the Petitioner in O.P.No. 194 of 2021 and for the Applicant in A.No. 825 of 2021 and Mr.T.Mohan for M/s. S.Jim Raj Milton, Advocates for the Respondent in O.P.No. 194 of 2021 and A.No. 825 of 2021 and upon reading the petition filed in O.P.No. 194 of 2021 and the order dated 01.10.2021 made in A.No. 824 of 2021 and this Court has also gone through the agreement and finds that the terms of agreement are quite comprehensive and without leaving any doubt for the parties to raise disputes in the subject matter and memorandum of agreement signed by the



advocates for the Parties hereto praying this Court to pass an order interms of memorandum of agreement morefully set out in the Schedule hereunder,

**it is ordered as follows:-**

That both the parties hereto have agreed that the custody of their minor child R.Oviya shall remain with the respondent/mother.

2. That both the parties hereto have agreed that their minor child R.Oviya shall continue her education in her mother's native place. The petitioner agrees to obtain the School Transfer Certificate from the School at Chennai in which R.Oviya was studying at the earliest.

3. That both the parties hereto have agreed that the minor child R.Oviya shall spend the 1st half of her school vacations (three vacations) with the petitioner and the respondent herein agrees to bring the minor child R.Oviya to Udumalpet to facilitate the petitioner to take her and the respondent agrees that the petitioner can visit the minor child R.Oviya once in a month at Udumalpet, Tiruppur District with prior intimation to the respondent. The respondent herein agrees to bring the minor child R.Oviya to Udumalpet to facilitate the petitioner meeting her.



4. That the petitioner herein agrees to pay the school fees, charges for the text books, medical expenses and the expenses incurred for the dress materials for his minor child R.Oviya and the respondent herein agrees to provide the receipts for the above mentioned expenditure to the petitioner.

5. That any interim order already passed in this case shall stand merged with this order.

6. That the Petition in O.P.No. 194 of 2021 do stand closed.

7. That the Application in A.No. 825 of 2021 do stand closed.

### **SCHEDULE**

### **MEMORANDUM OF AGREEMENT**



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ED  
03.01.2022

O.P.No. 194 of 2021  
and  
A.No. 825 of 2021

ORDER

DATED : 08.10.2021

THE HON'BLE MR. JUSTICE  
V. PARTHIBAN

FOR APPROVAL: 06/01/2022

APPROVED ON : 11/01/2022



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**O.P.No. 194 of 2021:-**

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**A.No. 825 of 2021:-**

Application praying that this Hon'ble Court be pleased to direct the Respondent to enable minor child R.Oviya, aged 14 years, born on 9.06.2006 to attend her classes and examination of Class IX in the Grove's School, Alwarpet, Chennai.

This Original Petition along with the Application coming on this day before this court for hearing, **the court made the following order:-**

Today when the matter is taken up for hearing, both the parties have filed a memo of agreement dated 08.10.2021. The terms of the agreement are recorded hereunder.

"1.Both the parties have agreed that the custody of their minor child R.Oviya shall remain with the respondent/mother.



2. Both the parties have agreed that their minor child

R.Oviya shall continue her education in her mother's native place. The petitioner agrees to obtain the School Transfer Certificate from the School at Chennai in which R.Oviya was studying at the earliest.

3. Both the parties have agreed that the minor child

R.Oviya shall spend the 1st half of her school vacations (three vacations) with the petitioner. The respondent agrees to bring the minor child R.Oviya to Udumalpet to facilitate the petitioner to take her. The respondent agrees that the petitioner can visit the minor child R.Oviya once in a month at Udumalpet, Tiruppur District with prior intimation to the respondent. The respondent agrees to bring the minor child R.Oviya to Udumalpet to facilitate the petitioner meeting her.

4. The petitioner agrees to pay the school fees,

charges for the text books, medical expenses and the expenses incurred for the dress materials for his minor child R.Oviya.

The respondent agrees to provide the receipts for the above mentioned expenditure to the petitioner.



*5. Both the parties agree and pray this Court to pass*

**WEB COPY** *orders in O.P.No.194 of 2021 in terms of this agreement."*

2. The learned counsels representing both the parties would submit that the O.P. itself can be disposed of in the above terms of agreement between the father and the mother.

3. This Court has also gone through the agreement and finds that the terms of agreement are quite comprehensive and without leaving any doubt for the parties to raise disputes in the subject matter. In view of the same, the O.P. stands disposed of in terms of the above memo of agreement. Any interim order passed shall stand merged with this order. Accordingly, the present Original Petitioner stands closed. Consequently, the connected application stands closed.

Sd./-V.P.N.J.

08/10/2021

//Certified to be true copy//

Dated at Madras this the       day of       2022.

COURT OFFICER(O.S.)

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