

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.1108 of 2020

Adhinarayanan ... Appellant

vs.

Sasikala .. Respondent

PRAYER : Civil Miscellaneous Appeal filed under Section 47 of Guardian and Wards Act, against the fair and final order dated 06.02.2020 passed in G.W.O.P.No.131 of 2017 on the file of the Principal District Court, Tiruppur.

For Appellants : Mr.P.Saravana Sowmiyan

For Respondents : Mr.M.N.Balakrishnan

ORDER

The Civil Miscellaneous Appeal is filed against the fair and final order dated 06.02.2020 passed in G.W.O.P.No.131 of 2017 on the file of the Principal District Court, Tiruppur.

2. Admittedly, the respondent is the second wife of the appellant and two children were born for the respondent. Therefore, the appellant cannot seek the custody of the children as the mother is the guardian under the provision of the Hindu Minority and Guardianship Act. In view of the fact that the appellant's first wife is alive and the marriage between the appellant and the respondent was solemnized during the lifetime of the first wife, the marriage is invalid. Therefore, the children born to the respondent cannot be handed over to the appellant nor the appellant can seek the custody. This being the factum, the order dated 06.02.2020 passed in G.W.O.P.No.131 of 2017 stands confirmed and consequently, Civil Miscellaneous Appeal stands dismissed. No costs.

04.03.2021

ssb

Index: Yes/No

Internet: Yes/No

Speaking order/Non-Speaking Order

S.M.SUBRAMANIAM, J.

ssb

To

Principal District Court, Tiruppur.



C.M.A.No.1108 of 2020

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