

O.P.No.923 of 2018
and
A.No.2608 of 2020

R.PONGIAPPAN, J.,

This application has been filed by the petitioner under Section 25 of the Guardian Wards Act, under Order XXI Rule 2 and 3 of the Madras High Court Original Side Rules, 1956 seeking the relief to grant sole custody of minor child viz., Nilaanya J.B.

2. Heard Mrs.R.Mahalakshmi, learned counsel for the petitioner and Mrs.R.Sumitra Chakkravarthi, learned counsel for the respondent.

3. The petitioner herein is the husband of respondent M.Shalini. Their marriage was solemnized on 25.10.2009 at Yes Yes Royal Mahal, Anna Nagar, Chennai, in accordance with Hindus Rites and Customs. Out of the lawful wedlock, the respondent gave birth to two children, wherein, the 1st child is no more. The 2nd child was a girl baby born on 12.06.2014 and named as Nilaanya J.B. After the birth of two children, dispute arose

between the petitioner and the respondent. Resultantly, the respondent left the matrimonial home along with the child. In the said circumstances, the petitioner is before this Court for the relief stated supra.

4. The learned counsel appearing for the petitioner would contend that after the birth of the petition mentioned child, the respondent changed her character and used to take alcohol. Ultimately, she avoided the responsibility of taking care of the child. Now the child is longing for the love and affection of the mother. The respondent ignored the feelings of the child in spite of hearing the cry of the child. Therefore the respondent has disqualified herself from the responsibility of a mother. Accordingly, the petitioner is entitled to the custody of minor child viz., Nilaanya J.B.

5. In response to the contentions raised by the learned counsel for the petitioner, the respondent herein filed a counter wherein she denied the entire allegations levelled against her in the petition. However, she has given consent for allowing this application, with visitation rights to her.

Accordingly, the respondent herein has filed a counter for submitting to the decree.

6. Therefore, in view of the above, the Original Petition filed by the petitioner is liable to be allowed. In respect to the visitation rights, during the time of pending proceedings, vide order dated 21.08.2020, this Court had permitted the respondent to visit the minor child viz., Nilaanya J.B., every Saturday from 09.00am to 05.00pm or according to her convenience at the house of the petitioner. Further in respect to the visitation place, it was observed that after the pandemic period, the visitation place shall be shifted to the house of the maternal grandmother at No.465, Pine Wood Apartments, I Floor, Kilpauk Garden, Kilpauk, Chennai – 600 010, on Saturdays between this time, where the mother shall take her child from the petitioner's house.

7. Though the abovesaid orders are in favour of the respondent, in respect to the visitation rights, since the reason that the pandemic period is

almost over, the visitation place is hereby shifted to the house of the maternal grandmother. Accordingly, the Original Petition is allowed and as regards visitation rights of the respondent, it is ordered as hereunder:

(i) the respondent is permitted to visit the minor child viz., Nilaanya J.B., every Saturday from 09.00am to 05.00pm.

(ii) the visitation place shall be the house of the maternal grandmother at No.465, Pine Wood Apartments, I Floor, Kilpauk Garden, Kilpauk, Chennai – 600 010, on Saturdays between this time, where the mother shall take her child from the petitioner's house.

(iii) A.No.2608 of 2020, is ordered accordingly.

21.01.2021

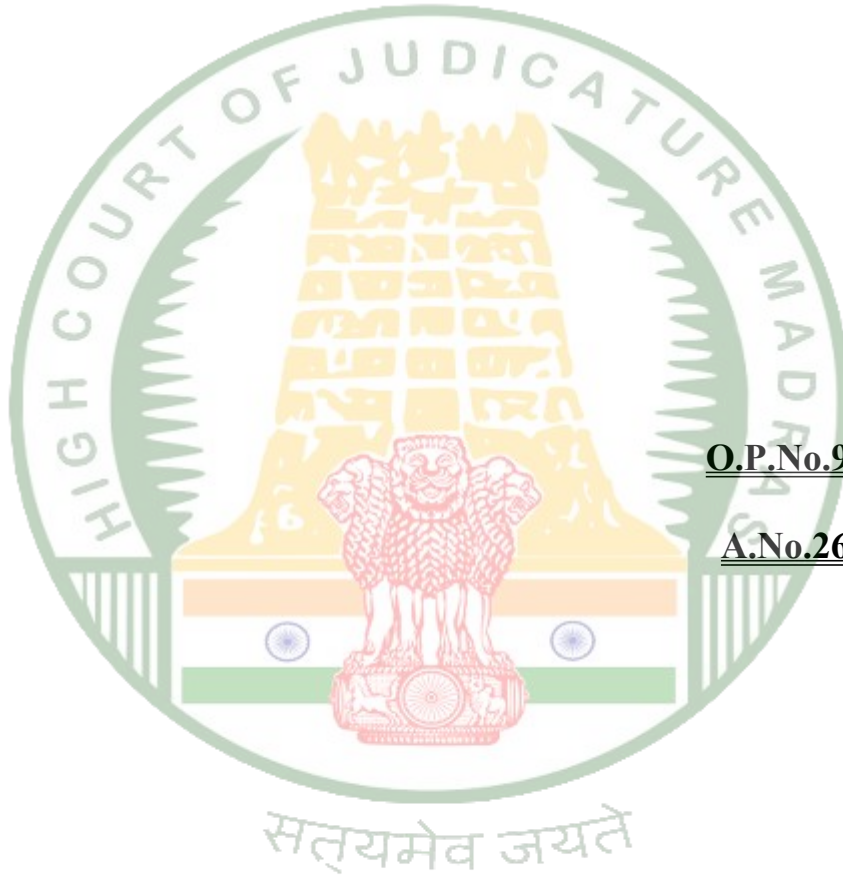
ars

सत्यमेव जयते
WEB COPY

O.P.No.923 of 2018
and A.No.2608 of 2020

R.PONGIAPPAN, J.

ars



O.P.No.923 of 2018
and
A.No.2608 of 2020

WEB COPY

21.01.2021