



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 10TH DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

A.Nos.42 and 43 of 2022

in

O.A.No.1188 of 2017

and

A.No.1578 of 2020

and

A.No.9767 of 2019

in

O.P. No.964 of 2017

O.P. No.964 of 2017 and
O.A.No.1188 of 2017 and
A.Nos.42 and 43 of 2022:-

In the matter of Guardian
& Wards Acts, 1890 and
In the matter of Minor Child
S.Aadhavan

K.Sridevi Maragatham,
D/o S.Kutralingam,
Plot No.293/5, Door No.H, 38th Street,
7th Sector, K.K.Nagar,
Chennai - 600 078.

... Applicant/Petitioner

-Vs-

N.Sundar
S/o Mr.Namasivayam,
Anbu Residency, Plot No.81/26,
Door S-1, Second Floor,
Raju Street, Thiruvanmiyur,
Chennai - 600 041.



...Respondent/Respondent

WEB COPY

A.No.42 of 2022:-

Application praying that this Hon'ble Court be pleased to permit the Applicant to take the minor child Aadhavan to Australia for a period of 2 years.

A.No.43 of 2022:-

Application praying that this Hon'ble Court be pleased to modify the order dated 23.04.2018 in O.A.No.1188 of 2017 in O.P.No.964 of 2017 by directing the Respondent to have video calls on every Saturday or on such other days and time with the minor child Aadhavan till the Applicant is at the onsite programme at Australia.

A.Nos.1578 of 2020 and 9767 of 2019:-

N.Sundar
S/o T.S.Namasivayam,
Anbu Residency, Plot No.81/26,
Door S-1, Second Floor,
Raju Street, Thiruvanmiyur,
Chennai - 600 041.

. ...Applicant

-Vs-

K.Sridevi Maragatham,
D/o S.Kutralingam,
Plot No.293/5, Door No.H, 38th Street,
7th Sector, K.K.Nagar,
Chennai - 600 078.

... Respondent



WEB COPY

A.No.1578 of 2020:-

Application praying that this Hon'ble Court be pleased to permit the Applicant to have video calls with the minor child, Aadhavan, on such days and times as this Hon'ble Court may deem appropriate.

A. No.9767 of 2019:-

Application praying that this Hon'ble Court be pleased to permit the Applicant to have interim custody/access to his minor son, Aadhavan from 10 a.m. to 7 p.m on every Sunday.

This Application coming on this day before this Court for hearing in the presence of Mr.S.T.Sudarsanam, for M/s Uma Mageswari, Advocates for the Applicant in A.Nos.42 & 43 of 2022 and for the respondent in A.No1578 of 2020 and A.No.9767 of 2019 and M/s.A.Dhanwanthi, Advocate for the Respondent in A.Nos.42 & 43 of 2022 and for the applicant in A.No1578 of 2020 and A.No.9767 of 2019 and upon reading the Judges Summons and the Affidavit and Additional Affidavit of K.Sridevi Maragatham filed in A.Nos.42 & 43 of 2022 and the order dated 06.08.2020 made in A.No.1578 of 2020 and A.No.9767 of 2019 in O.P.No.964 of 2017 and this Court observed that many times the parties have approached this Court and got orders and now, the applicant/mother has come with this application seeking permission of this Court to take the



minor child to Australia for two years, which cannot be granted for the reason that if the prayer is granted, the right and interest of the respondent/father on the minor child would be defeated, **It is ordered:**

That the A.Nos.42 and 43 of 2022 be and are hereby dismissed.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 10TH DAY OF MARCH 2022.

Sd./-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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18.03.2022

A.Nos.42 and 43 of 2022
and
A.No.1578 of 2020
and
A.No.9767 of 2019
in
O.P. No.964 of 2017

ORDER :

DATED:10.03.2022

THE HON'BLE MR. JUSTICE
P.VELMURUGAN

FOR APPROVAL: 21.03.2022

APPROVED ON : 21.03.2022



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A.No.42 of 2022:-

Application praying that this Hon'ble Court be pleased to permit the Applicant to take the minor child Aadhavan to Australia for a period of 2 years.

A.No.43 of 2022:-

Application praying that this Hon'ble Court be pleased to modify the order dated 23.04.2018 in O.A.No.1188 of 2017 in O.P.No.964 of 2017 by directing the Respondent to have video calls on every Saturday or on such other days and time with the minor child Aadhavan till the Applicant is at the onsite programme at Australia.

A.Nos.1578 of 2020 and 9767 of 2019:-

N.Sundar
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Plot No.293/5, Door No.H, 38th Street,
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... Respondent

**A.No.1578 of 2020:-**

WEB COPY

Application praying that this Hon'ble Court be pleased to permit the Applicant to have video calls with the minor child, Aadhavan, on such days and times as this Hon'ble Court may deem appropriate.

A. No.9767 of 2019:-

Application praying that this Hon'ble Court be pleased to permit the Applicant to have interim custody/access to his minor son, Aadhavan from 10 a.m. to 7 p.m on every Sunday.

These Applications coming on this day before this court for hearing the court made the following order:

These applications in A.No.42 & 43 of 2022 have been filed by the applicant/mother seeking permission of this Court to take the minor child to Australia for a period of two years and to direct the respondent/father to have video calls on every Saturday or such other days and time with the minor child till the applicant is at Australia, modifying the order dated 23.04.2018.

2 Heard the learned counsel appearing on either side and perused the materials available on record.



3 This Court, by its earlier order dated 23.04.2018 closed the main original petition giving liberty to the parties to approach this Court for any change of circumstances.

4 It is seen that subsequent to the above order, on account of certain change of circumstances, many times the parties have approached this Court and got orders. Now, the applicant/mother has come with this application seeking permission of this Court to take the minor child to Australia for two years, which cannot be granted for the reason that if the prayer is granted, the right and interest of the respondent/father on the minor child would be defeated.

5 Hence this Court is not inclined to allow these applications and accordingly, the application in A.No.42 of 2022 is dismissed and consequently A.No.43 of 2022 is also dismissed.

Sd./-P.V.J
10.03.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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