



WEB COPY



Application No.2027 of 2022

Application No.2027 of 2022
in
O.P.No.258 of 2022

KRISHNAN RAMASAMY.J,

This Application has been filed by the applicant/petitioner seeking an interim custody of his minor daughter aged 7 years during the summer vacation in May 2022.

2. The applicant/petitioner is the father of the minor girl. When the matter was taken up for hearing on the last occasion, it was brought to the notice of this Court by both the counsels that though initially, this Court granted an interim order on 19.05.2022, later the same was suspended by the vacation Bench of this Court on 26.05.2022, citing the reason that in respect of the subject matters relating to child custody and Guardianship, the jurisdiction of this Court is ousted and it is under the consideration by a Full Bench constituted in this regard, consisting of five Hon'ble Judges.



Application No.2027 of 2022

WEB COPY

3. However, the learned counsel appearing for the applicant/petitioner submits that the reference has nothing to do with this Court and the reference would not *ipso facto*, bar this Court from dealing with the child custody and guardianship matter and as on date, the law laid down by the Hon'ble Full Bench of this Court in '**Mary Thomas Vs. Dr.K.E.Thomas**' reported in '**AIR 1990 Madras 100**', is held good. Therefore, the learned counsel submits that the application though it was filed for the custody of the minor girl during the summer vacation, he requested to consider his claim for visitation right for three hours on Saturdays and Sundays in every alternative week, until the disposal of the main Original Petition.

4. The learned counsel appearing for the respondent, after getting appropriate instructions from his client, would fairly submit that his client is willing to provide visitation right of the minor girl at her home itself where she resides along with her daughter, at 9/5 2nd Floor, Balaji Avenue 1st Street, T.Nagar, Chennai – 600 017, on any one Saturday in a month between 10 am to 1 pm. Further, the learned



Application No.2027 of 2022

WEB COPY

counsel would fairly submit that in the event the petitioner is visiting the respondent's house between 10 am to 1 pm, the respondent is willing to provide water, coffee and also breakfast/lunch to the petitioner.

5. This Court heard the rival submissions made by the parties and ultimately found that the application was filed only for the purpose of visitation right of the applicant/petitioner during the summer vacation, which prayer obviously, has become infructuous by efflux of time. However, considering the inclination expressed by the respondent that she has no objection for the visitation of the applicant/petitioner in her house i.e., on one Saturday in a month between 10 am to 1 pm., this Court is inclined to pass the following order:

The applicant/petitioner is permitted to visit and see her daughter, namely, Aria at the respondent's house situated at 9/5 2nd Floor, Balaji Avenue 1st Street, T.Nagar, Chennai – 600 017, between 10 am to 1 pm on every 2nd and 4th Saturdays of every month.



WEB COPY



Application No.2027 of 2022

KRISHNAN RAMASAMY.J.

Sni

Both the parties shall not indulge into any quarrel and the respondent shall advice to the daughter, the rights of the father to visit the minor girl and to cooperate him without desisting him and also the obligation to comply with the order of this Court. At the same time, the applicant/petitioner, while spending time with his daughter, shall not restrain the free movement of the child and insist her to act according to his directions. The parties are at liberty to approach this Court, in the event any further order is required.

6. With the above observation, this Application is disposed of.

.06.2022

Sni

Application No.2027 of 2022
in O.P.No.258 of 2022