



WEB COPY

O.P.No.648 of 2021



O.P.No.648 of 2021
and
O.A.No.661 of 2021
&
A.No.3769 of 2021

P.VELMURUGAN.,J

This Original Petition has been filed by the petitioner/father seeking custody of the Infant Child, ShyamDarshit aged about three months.

2. It is well settled proposition of law that both mother and father are the natural as well as legal guardian for the minor child. The minor child is aged about three months only. At this infant stage, the child should always be with the mother, who is a natural and legal guardian.

3. Learned counsel for the respondent/mother submitted that the settlement process regarding custody of the child is going on.

4. Considering the tender age of the infant child and also the mother is a natural and legal guardian, this Court is not inclined to allow this petition and there is no necessity to refer the matter before the learned Master for recording evidence.



5. In view of the above, the Original Petition is dismissed, with visitation right given to the petitioner/father after completion of tender age of the child ie., after attaining the age of five years and in case, the petitioner feels that the mother of the minor child is acting against the interest and welfare of the minor child and if he has the materials to prove the same, the petitioner/father is at liberty to file fresh application after the minor child attains the age of five years. No costs. Consequently, connected applications are closed.

28.04.2022

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