



WEB COPY



W.A.No.259 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2022

CORAM

THE HONOURABLE MR. JUSTICE **PARESH UPADHYAY**
and
THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.A.No.259 of 2022
and C.M.P.Nos.16602 & 16604 of 2022

G.Ramakrishnan .. Appellant

Vs

S.Priyadharshini .. Respondent

Appeal filed under Clause 15 of Letters Patent against the order dated 28.04.2022 made in O.P.No.648 of 2021.

For Appellant : Ms.Rohini Ravikumar

For Respondent : Ms.S.Santhi

JUDGMENT

(Delivered by *PARESH UPADHYAY, J.*)

1. Challenge in this appeal is made to the order dated 28.04.2022 recorded on O.P.No.648 of 2021, O.A.No.661 of 2021 and A.No.3769 of 2021. This appeal is by the (husband / father)



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petitioner before learned single Judge. The matter pertains to custody of child, visitation right and seeking injunction against removing the child from the jurisdiction of this Court. Learned single Judge has dismissed these prayers. Father is in appeal.

2. Learned advocate for the appellant has submitted that, the custody of the child was asked for by the father, but even if it is accepted that the custody of the child need to continue with the mother - considering the tender age of the child (date of birth 03.06.2021), in any case, visitation right ought to have been granted to the father. It is submitted that, learned single Judge erred in not injunctioning the mother from taking the child out of the jurisdiction of this Court. It is submitted that this appeal be entertained.

3. On the other hand, learned advocate for the respondent (wife/ mother) has contested this appeal and has submitted that, considering the circumstances which were writ large before learned single Judge, learned single Judge has, in the best interest of the child, not granted any relief to the father and the same is just and proper and therefore this appeal be dismissed.

4. Having heard learned advocates for the respective parties



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and having considered the material on record, this Court finds as under:

4.1 The date of birth of the child is 03.06.2021.

4.2 The custody of the child is with the mother.

4.3 The marriage had taken place on 11.09.2019.

4.4 On conjoint consideration of the material on record including, the pleadings it transpires that, the bitterness between the parties is writ large. During the course of hearing also, reference was made to so many things, which may not have bearing on the custody of the child. Keeping this in view we find that, when learned single Judge has, after hearing the parties, in the facts of the case, thought it proper not to grant any relief to the husband/ father, any interference in this appeal, even visitation right in favour of the father at this stage, would not be in the interest of the child, not even in the interest of the parties.

5. For the reasons recorded above, this appeal is dismissed.



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No costs. Connected civil miscellaneous petitions would not survive.

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(P.U., J) **(D.B.C., J)**
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To

The Sub Assistant Registrar,
High Court, Madras.



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J.



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PARESH UPADHYAY,
and
D.BHARATHA CHAKRAVARTHY, J.

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