

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 09th DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P. No.880 of 2017

In the matter of Guardian and Wards
Act, 1890

and

In the matter of Vidit Maini the Infant
child

Vishwas Maini,
Son of Kewal Kishan Maini,
aged 34 years,
23-A, Sri Chakra Apartment
Police Commissioner Office Road
Egmore, Chennai 600 008

... Petitioner

-vs-

Ritu Sharma @ Ritu Maini,
Wife of Vishwas Maini,
aged 35 years
Sharma Niwas,
Street No.3, Narayan Nagar,
Bahadurpur, Hoshiarpur,
Punjab 146 001

...Respondent

Original Petition praying that this Hon'ble Court be pleased to

a) Appoint the Petitioner as the guardian of the Infant child Vidit
Maini born on 01.09.2017 currently aged 2 months;

b) Grant Permanent custody of the Infant boy child Vidit Maini born

on 01.09.2017 and aged about 2 months to the Petitioner.

This Original Petition coming on this day before this court for hearing in the presence of M/s.Poongkhulali B, advocate for the petitioner herein and Ms.T.Gayatri for M/s.P.Rajkumar Jhabakh, Advocates for the Respondent herein and upon reading order dated 25.07.2018 made in O.A.No.1102 of 2017 in O.P.No.880 of 2017, and

it is ordered as follows :-

That Vishwas Maini, the petitioner herein be and is hereby appointed as sole custodian and guardian of the child Vidit Maini and also granted permanent custody of the child Vidit Maini to the petitioner herein.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 09th DAY OF JUNE 2022.

Sd./-

ASSISTANT REGISTRAR (O.S-II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

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14.06.2022

O.P. No.880 of 2017

ORDER:-

DATED: 09.06.2022

THE HON'BLE MR. JUSTICE
KRISHNAN RAMASAMY

FOR APPROVAL: 14.06.2022

APPROVED ON : 14.06.2022

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b) Grant Permanent custody of the Infant boy child Vidit Maini born
on 01.09.2017 and aged about 2 months to the Petitioner.

This Original Petition coming on this day before this Court for

hearing the Court made the following order:-

This Petition has been filed under Sections 3, 7, 10 and Section 25 of the Guardians and Wards Act, 1890 read with XXI Rules 2,3 and 11 of the Madras High Court Original Side Rules, to appoint the petitioner as the guardian of the infant child and to grant permanent custody of the infant boy child Vidit Maini, who born on 01.09.2017.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner as well as the respondent submitted that the issue between the parties got settled at the level of the Hon'ble Supreme Court in Transfer Petition (Civil) No.1408 of 2020, when the matter for divorce came up before the Hon'ble Supreme Court, where both the parties agreed and made a joint request that the marriage may be dissolved and a decree of divorce by mutual consent may be granted and the petitioner, who is the father of the child, shall be made sole guardian of their child and the child will remain in permanent custody of the petitioner. The same was recorded by the Hon'ble Supreme Court and granted them a decree of divorce by mutual consent as prayed for.

3. Therefore, while referring to the orders passed by the Hon'ble Supreme Court, the learned counsel appearing for the petitioner has filed a Memo and prayed this Court to dispose of the present petition by appointing the petitioner herein as the sole custodian and guardian of the minor child

Vidit Maini and grant him custody of the child.

4. The learned counsel for the respondent also submitted that the respondent, who is the mother of the child, has no objection for allowing the petition pursuant to the orders passed by the Hon'ble Supreme Court and also appointing the petitioner as sole custodian and guardian of the child and giving permanent custody of the child to him.

5. In view of the order passed by the Hon'ble Supreme Court in Transfer Petition (Civil) No.1408 of 2020, dated 25.04.2022 and the arrangement made between the petitioner and the respondent through the mediation and in view of the submissions made by the learned counsel appearing for petitioner as well as the respondent, this Court hereby appoints the petitioner as sole custodian and guardian of the child Vidit Maini and also grants permanent custody of the child to the petitioner.

6. Accordingly, this Original Petition stands allowed.

Sd./-K.R.J
09.06.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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