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A.No.1046 of 2023

in

O.P.No.71 of 2023

N.Sathish Kumar, J.

This Court has passed an Order dated 25.04.2023 permitting the applicant/father to pick up the child at the residence of the respondent/mother on every Saturday and drop the child on the next day at 5 p.m. Thereafter, the said Order has been modified and the applicant/father is permitted to take the child from the residence of the respondent/mother on every Sunday at 8.00 a.m. to 8.00 p.m.

2. Now, the learned counsel appearing for the applicant would submit that for the vacation starting from 23.12.2023, he may be permitted to have the custody of the child.

3. The learned counsel appearing for the respondent submitted that they have no objection granting custody for 4 days, however, only during day time.

4. The minor child is aged 8 years. Taking note of the fact that the applicant/father is living with his parents and his daughter, who was born to his erstwhile wife of the petitioner, is also living with him, this Court is of the view that the petitioner is entitled to the custody of the minor child for four days. The apprehension of the respondent/mother over night staying with the applicant may cause harm to the child is unfounded. Being the father, this Court is of the view that if the minor is



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given custody, the same would create much bondage in the family. In such view of the matter, the petitioner is entitled to have the custody of the minor child from 24.12.2023 to 28.12.2023 during the Christmas vacation holidays. The applicant/father shall take the child at 8.00 a.m. on 24.12.2023 Sunday and drop the child on 27.12.2023 at 5 p.m. Accordingly, this application is ordered. If the respondent is not following this Order, the petitioner can seek the police aid to take the child.

15.12.2023

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