



*O.P.No.461 of 2023
and OA.No.686 of 2023*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2023

CORAM

THE HONOURABLE Ms.JUSTICE **R.N.MANJULA**

O.P.No.461 of 2023

and

OA.No.686 of 2023

Mrs.V.Subbulakshmi

... Petitioner

Vs.

S.Karthick

... Respondent

Original Petition filed under Sections 7 & 25 of the Guardians and Wards Act, 1890 and Order XXI Rule 2 and 3 of Original Side Rules read with Clause 17 of The Letters and Patent Act, 1865 praying to grant sole custody of the infant Vishakan K aged 03 years to the petitioner and pass such further or other orders as this Hon'ble Court may deem fit and proper on the facts and circumstances of the case.

For Petitioner : Mr.Rohini Ravikumar

For Respondent : M/s.Suchit Anant Palande



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petitioner for the custody of the children and influenced and harassed them not to meet the mother. On 28.07.2023. the respondent again denied the visitation rights by stating some lame reasons. Since the respondent was telling lies, the petitioner picked up the minor boy and for that also, the respondent harassed the petitioner. As of now, the minor boy child is with the petitioner and the girl child is with the respondent.

2.1. The petitioner reserves her right to initiate separate action to get back the minor girl. Since the minor son is very young and he is just 3 years old, the custody has to be retained with the mother. The petitioner had also filed an interim application in O.A.No.686 of 2023 seeking an order of interim injunction restraining the respondent or his men or agents or relatives from removing the minor boy child Vishakan K. from the lawful custody of the petitioner. Despite an interim injunction is granted, it was submitted before the Court that the respondent had taken away the child on the day when the order was passed. Hence, the petitioner had filed another application in A.No.4122 of 2023 seeking direction to hand over the minor



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child Vishakan to the petitioner. An order has been passed in A.No.4122 of 2023 to hand over the minor child Vishakan to the petitioner immediately and the matter has been posted today for compliance.

3. Today, when the matter is taken up, it is submitted by the learned counsel for the respondent that the respondent had handed over the minor son Vishakan. The learned counsel for the respondent also submitted that the respondent had agreed to leave the minor son Vishakan to the permanent custody of the petitioner-mother by reserving his visitation rights. The same was agreed by the petitioner also. But, the petitioner claimed that she should be given with the visitation rights in respect of the first girl child Ishithaa.

4. Since the parties have come to an understanding that one week end the father should send the girl child to the petitioner's house, so that both the children can enjoy their mutual company and be with the mother also. Following week, the petitioner should send the minor son Vishakan to the respondent's house, so that both the children will be with their father.

5. In view of the understanding arrived between the parties, the permanent custody of the minor child Vishakan, aged 3 years is granted to the petitioner by reserving the visitation rights for the respondent in respect of



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the minor son Vishakan and the visitation rights for the petitioner in respect of the minor daughter Ishithaa. This order shall take effect from 18.08.2023.

The respondent shall take the minor girl child Ishithaa on 18.08.2023 evening (after school) and drop her at the petitioner's residence and thereafter, take her back on 20.08.2023 at about 5.00/6.00 p.m. The petitioner shall drop the minor son Vishakan on 25.08.2023 evening (after school) and take back the minor son on 27.08.2023 at 5.00/6.00 p.m. The above arrangements shall continue for the subsequent alternate week ends also in the similar pattern.

In case, the children are not well and require any special attention of the doctor or any such eventualities, the same should be informed to the other parent and the participation of the other parent during such crisis should not be avoided. The parties are at liberty to seek any modification in case any difficulty in the above arrangements. Consequently, connected Application in OA.No.686 of 2023 is closed.

**11.08.2023
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R.N.MANJULA, J.

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