



O.P.NO.687 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

O.P.NO.687 OF 2023

R.Balaji

.. Petitioner

Versus

D.Uma Maheswari

.. Respondent

PRAYER: Original Petition filed under Sections 3, 7 to 10, 25 and 26 of the Guardians and Wards Act, 1890 read with Order XXI Rules 2 and 3 of the Original Side Rules read with Clause 17 of Letters Patent, to (a) appoint the petitioner as guardian of the minor girl child B.Rhythamika born on 15.03.2017; (b) grant the petitioner permanent custody of the minor girl child B.Rhythamika born on 15.03.2017 and presently aged about 6 years and (c) permit the petitioner to take the minor girl child B.Rhythamika outside the jurisdiction of this Court along with him.

For Petitioner	:	Mr.V.S.Senthilkumar
For Respondent	:	Mr.P.Thamizhvendan



O.P.NO.687 OF 2023

ORDER

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This Original Petition has been filed to appoint the petitioner as guardian of the minor girl child B.Rhythamika born on 15.03.2017 and to grant him permanent custody of the minor girl child and also permit the petitioner to take the minor girl child outside the jurisdiction of this Court along with him.

2.The petitioner is the father of the minor girl child and the respondent is the mother of the minor girl child. The marriage between the parties was solemnized on 04.03.2015 and a female child born on 15.04.2017. It is the contention of the petitioner that they filed a petition for divorce and by mutual consent, obtained an order of divorce vide order dated 13.05.2021. In the divorce proceedings, the parties have mutually agreed that the custody of the minor child will be with the respondent till the child attains 12 years of age and thereafter, the child can choose which parent she want to live with. However, after obtaining the decree of divorce, the child was with the respondent for few months and now, the child is with the petitioner from January 2022. Hence, the petitioner seeks custody of the minor girl child.



O.P.NO.687 OF 2023

3.Both the parties appeared before this Court along with the minor girl child and they are identified by their respective counsels.

4.The respondent filed an Affidavit dated 10.11.2023 stating that she has no objection for appointing the petitioner as Guardian of the minor girl child and for granting him permanent custody of the minor girl child. The Affidavit filed by the respondent is taken on record.

5.Considering the Affidavit filed by the respondent and also the fact that the minor girl child is comfortable with her father/petitioner, the petitioner is appointed as Guardian of the minor girl child and permanent custody of the minor child is granted to the petitioner. Further, it is agreed between the parties that the respondent can also visit the child as desired by the parties at any time.

6.This Original Petition is ordered accordingly. No costs.

10.11.2023

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O.P.NO.687 OF 2023

N.SATHISH KUMAR, J.

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O.P.NO.687 OF 2023

16.11.2023