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A. 956 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2024

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

A. 956 of 2024

IN

OP. 73 OF 2024

MR.TARIQ ANWAR
S/O.NOOR MOHAMED,MUSLIM RESIDING AT 1/1216, 1ST
FLOOR, AIR INDIA COLONY, KUMUDAM NAGAR 5TH STREET,
MUGALIVAKKAM, CHENNAI 600 125.

APPLICANT(S)

Vs

MRS.NURAL JASMIN BINTI AHAMED BAZEER
W/O. TARIQ ANWAR, MALAYSIAN CITIZEN, RESDING AT
NO.120, TAMAN NEGERI BARU, BATU 21/2, JALAN SEREMBAN,
71000 PORT DICKSON, NEGERI SEMBILAN, MALAYSIA.

RESPONDENT(S)

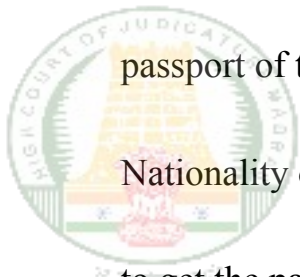
For Applicant(s):

M/S.R.PRABHAKARAN
V.ADITHIYAN
S.BALAMUKI
H.R.R.SHAMEERA BEGAM

For Respondent(s): MRS.BHAVNA for MR.K.SEETHA RAM

ORDER

Application filed seeking custody of the minor boy and girl initiated by the father. The mother is a Malaysian Citizen. Both the children are also Malaysian Citizens. The mother has deserted them and gone to Malaysia. The father is taking care of the children. He is in need of the assistance of the respondents for the renewal of the



passport of the minor children. This Court after taking note of the fact regarding

Nationality of the minor children and the mother being in Malaysia had made all efforts

to get the passport of the minor children renewed first and thereafter work out an

amicable settlement between the parties which will be in the best interest of the

children. Unfortunately, the respondent had scant regard to all the efforts taken by this

Court.

2. This Court for more than once had recorded the conduct of the respondent in not ensuring her interest to save the interest of the children. On 11.11.2024, after much persuasion, the respondent was present. The minor children were also brought to the Court by the petitioner/father herein. There was an interaction between the mother and the children and this Court adjourned the matter on 09.12.2024 and directed the parties to appear before this Court.

3. Today, when the matter was called, the learned counsel appearing for the respondent submits that the respondent is unable to come down to India, due to her health problem and other issues. The respondent also appeared through video conferencing and expressed her difficulty in not attending the Court in person. The Guardian OP ultimately boils down to fact what could be the best interest of the child and who can take care of the children properly.



4. From the averments made in the petition as well as the conduct of the respondent, this

Court finds that even a minimum understanding between the parents for renewal of the

passport of the children could not be arrived and the respondent who is a Malaysian Citizen

has shown least interest in protecting the interest of the children. Therefore, this Court is of

the view that the petitioner who is having the temporary custody of the children and he shall

be the guardian of the children for all purposes, particularly, for the sake of renewing the

passport of the children.

5. In view of the above, application is disposed of.

09-12-2024

To

1. MRS.NURAL JASMIN BINTI AHAMED BAZEER
W/O. TARIQ ANWAR,
MALAYSIAN CITIZEN,
RESIDING AT NO.120, TAMAN NEGERI BARU,
BATU 21/2, JALAN SEREMBAN,
71000 PORT DICKSON, NEGERI SEMBILAN,
MALAYSIA.