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C.M.A.No.154 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

C.M.A.No.154 of 2020

P.Kowsalya
W/o Late Palaniappan

..Appellant

Vs.

The bethal baby Home
represented by its Warden,
Danishpet,
Salem District.

..Respondent

Prayer:

Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act, 1984 r/w Section 47 of Guardians and Wards Act 1890) against the judgment and decree dated 22.12.2017 passe din G.O.P.no.7 of 2017 on the file of Family Court, Salem.

For Appellant : Mr.M.Santhanaraman

For Respondent : M/s.Paul & Paul



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J U D G M E N T

(The order of the Court was made by Mrs.J.Nisha Banu,J.)

The appellant has filed a Guardian Original Petition to appoint her as guardian to the minor, Hari Vignesh and direct the respondent to hand over custody of the minor son, Hari Vignesh to her, who is under the custody of Bethal Baby Home, Danishpet, Salem, as per direction of the Judicial Magistrate No.5, in CrI.O.P.No.133 of 2013.

2. Today, when the matter is taken up for hearing, the learned counsel for the appellant would state that the child was handed over to the appellant on 16.03.2020 as per the order of this Court dated 02.03.2020. Learned counsel would further state that the child ran away from the custody of the appellant and with the help of Police, the child was handed over to the Child Welfare Committee and the Child Welfare Committee, has ordered that the child should be kept in the Children's Home, viz., Nesackkarangal Children Home, Salem, till he attains the age of 18 years as per Section 37(1)(C) of the Juvenile Justice (Care and Protection of Children) Act, 2015. At present, the child is under the care and custody of Nesackkarangal Children Home, Salem.

3. A copy order dated 01.11.2022 passed by the Child Welfare



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Committee to keep the child under the custody of Nesackkarangal Children Home, Salem and a copy of the letter dated 01.09.2024 given by the Nesackkarangal Children Home, Salem, certifying that the child is residing at Nesackkarangal Children Home, Salem, are produced before this Court and the same is perused.

4. Learned counsel for the appellant would state that since the child is presently under the custody of Nesackkarangal Children Home, Salem, the appellant pray for visitation rights of minor child once in a month.

5. The aforesaid statement of the learned counsel for the appellant is recorded. The appellant is entitled to have visitation rights of the minor son, Hari Vignesh, once in a month.

6. With the above direction, the Civil Miscellaneous Appeal is disposed of. No costs.

(J.N.B,J.) (N.S., J.)
02.09.2024

Index : Yes / No
Internet : Yes
vsi

To
1. The Family Court, Salem.
2. Nesackkarangal Children Home, Salem



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and
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