



O.P.No.67/2020, 672/2022 and
Cont.Petn.No.2618/2023

A.No.1527 of 2024 and
A.Nos. 3887, 5960, 2618 and 471/2023
in O.P.No.672 of 2022
and
O.P.Nos.67/2020 and 672/2022 and
Cont.Petn.No.3074/2023.

N.SATHISH KUMAR, J.

A.No.1527/2024

This petition has been filed to modify the interim custody of the minor son Mrithyunjai granted to his father, by order dated 08.03.2024 and instead grant custody to the applicant, after his exams over on 13.03.2024.

2. This Court, vide order dated 08.03.2024, has ordered that the respondent/ father is entitled to take the custody of the child directly from the school, after examination is over and also directed the school authorities to permit the respondent to take the child from the school directly. Also, this Court has directed that the child shall be produced before this Court by the father on 25.03.2024.

3. In the meanwhile, there was an agreement entered into between the petitioner and the respondent. Hence, the matter was listed on 18.03.2024. On that day, the petitioner viz., Dr.Deepa was present before the Court. The counsel appearing for either parties informed before this court that the petitioner and the respondent have agreed to come with an agreement and hence, seeks time. Accordingly, the matter was directed to be listed to day.



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4. Today, the learned counsel for the respondent filed an affidavit. It appears from the affidavit that the petitioner removed the child from India and now the child is along with the petitioner at Oman. The above affidavit is taken on record.

5. From the very beginning, the attitude of the petitioner shows that she is frustrating the order passed by this Court. Even though there was a specific order of this court, dated 24.11.2023, permitting the respondent to take the child, the petitioner had taken the child along with her, for which contempt petition No.3074/2023 is pending before this court. Thereafter, several orders have been passed, permitting the respondent/father to take the child, however, some how or other, to defeat the right of the father, the petitioner has not allowed the respondent to take the child from the school. Now, the petitioner has taken the child to foreign country, disobeying the order of this court.

6. In such circumstances, this court is inclined to issue non-bailable warrant against the petitioner through the Ministry of External Affairs to produce child and the application in A.No.1527/2024 is liable to be dismissed.

7. Accordingly, A.No.1527/2024 is dismissed. For production of the petitioner along with child, post the matter on 25.04.2024. Registry is directed to issue non bailable warrant against the petitioner for production of the child.



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