



A.No.1705 of 2024

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in O.P.No.126 of 2023

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N.SATHISH KUMAR, J.

This application has been filed by the applicant/father seeking for interim custody of the minor child during the summer vacation.

2. Though several contentions were raised by both sides accusing each other, the fact that interim custody already given to the father is not disputed. Even in the counter filed in the main petition by the respondent/mother, she has clearly admitted that the role of both the parents are equally important in the betterment of the healthy child and also admitted that the father can take the child from the wife's house on every 2nd and 4th Sunday of every month. Pursuant to the earlier order on every sunday the custody of the child was given to the father/applicant from morning 10 am to 6 pm.

3. The only grievance of the respondent/mother is that the overnight stay of the girl child may not be permissible and according to her, since the applicant/father has some extra marital relationship, that will spoil the child, whereas, the learned counsel for the father disputing such contentions submitted that since the father is already given the visitation rights of the child and also the child is attached with the father, overnight stay may not be a



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problem to the child.

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4. Considering the submissions, dehors the allegations of each other parties, this Court is interested only in the welfare of the minor child and the healthy growth of the minor child in the company of both the parents are absolute necessary. Mere accusations against each other by spouses are not germane for consideration while granting custody

5. Considering the fact the child is already meeting the father at least every week, this Court is of the view that extending the interim visitation during the summer vacation, in fact, will benefit the child and more bondage will be created between the child, father and the paternal grand parents. At this stage, the learned counsel for the respondent/mother would submit that in any event, overnight stay cannot be permitted, otherwise, for any extended period visitation right, she is agreeable.

6. Considering the above aspects, this Court is of the view that the husband is entitled to take the child from 01.05.2024 at 9 am from the respondent's house and keep the child till 6 pm every day and such custody shall be extended till 15.05.2024. It is made clear that every day the child shall



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be dropped back to the mother for over night stay. This arrangement shall continue until further orders. This order has been passed for the welfare of the child, since the child gets the love and affection not only by the mother, but also the father besides the grandparents.

7. Such view of the matter, interim custody of the minor child is extended to the father from 01.05.2024 to 15.05.2024. The father is entitled to take the child at 9 am from the respondent's house every day to his house, keep the child till evening 6 pm and drop the child every day near Phoenix Mall entrance, Velachery and the mother will take the child with her for overnight stay. Such interim custody is extended only from 01.05.2024 up to 15.05.2024.

8. Accordingly, this application stands disposed of.

27.03.2024

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Note: Issue Order Copy on 28.03.2024



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