



O.P.No. 261 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM

THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

O.P.No. 261 of 2024

D.Swaminathan
Petitioner

...

Vs.

Vidhya Swaminathan

...

Respondent

PRAYER: Original Petition filed under Sections 3 to 7, 10, 25 & 26 of the Guardians and Wards Act, 1890, Clause XVII of the Letters Patent of 1865 r/w Order XXI Rules 2 and 3 of the Original Side Rules, to appoint the petitioner as guardian of the person of the minor female child Lakshitha Swaminathan born on 07.04.2008 and grant permanent custody of minor girl child Lakshitha Swaminathan born on 07.04.2008 to the petitioner.

For Petitioner : Mr.D.Senthil kumaar

For Respondent : Mr.K.M.Anand



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ORDER

The petitioner/father and the respondent/mother are present through video conferencing. The minor female child Lakshitha Swaminathan is also present alongwith her mother through video conferencing.

2. A joint memo of compromise dated 15.08.2024 has been filed before the Registry. On being permitted, the father D.Swaminathan, petitioner herein, identified by his counsel and Mrs.Vidhya Swaminathan, respondent herein appeared alongwith minor female child Lakshitha Swaminathan through video conferencing, identified by her counsel. The terms of compromise between the parties are mentioned at Para 3(i) to 3(ix) of the joint memo of compromise.

3. This Court has interacted with the minor female child Lakshitha Swaminathan who would state that she was born on 07.04.2008, now studying Plus Two in Chennai Public School, Tirumazhisai and she is also willing to continue her higher education in medicine at Australia. She has also agreed to accept the financial support and other support to be given by



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her father to pursue her higher education at Australia, as mentioned in the joint memo of compromise, after she qualifies her Plus Two examination in Tamil Nadu, India.

4. After interaction with the minor female child Lakshitha Swaminathan, I find that the welfare of the minor child has been taken note of by the parents in the joint memo of compromise and the terms of the joint memo of compromise has been accepted by the respective parties who appeared through video conferencing, identified by the respective counsels. I have also explained the terms of joint memo of compromise to the minor female child Lakshitha Swaminathan and also sought her opinion. She has expressed her willingness with the term of joint memo of compromise and she is also interested to go to Australia for pursuing her higher education.

5. In the above circumstances, I find that there is nothing adverse to the minor interest in the joint memo of compromise and the terms of joint memo of compromise is found to be for the welfare of the minor female child which is the paramount consideration in determination of the guardian case.



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6. The petitioner/father has signed the joint memo of compromise and the same has been duly attested by the Notary Public at Australia. The respondent/mother has also signed the joint memo of compromise. Both the respective counsels have also attested the joint memo of compromise.

7. In view of the above reasons, the petition seeking to appoint the petitioner as guardian and to grant permanent custody to the petitioner of the minor female child Lakshitha Swaminathan born on 07.04.2008 is disposed of in terms of the joint memo of compromise and conversely, the petitioner/father is appointed as the guardian of the minor female child Lakshitha Swaminathan with right to have permanent custody of the child. Such right will be subject to the stipulations referred supra. The joint memo of compromise dated 15.08.2024 shall form part of the order.

8. In view of the relationship among the parties, no order as to costs.

29.08.2024

rgf

Neutral Citation: Yes/No

Speaking order : Yes/No



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RMT.TEEKAA RAMAN, J.

rgt

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