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O.A.Nos.403 of 2023, 312 of 2024 and A.No.2250 of 2024

in

O.P.No.233 of 2023

C.V.KARTHIKEYAN, J.

In O.A.No.403 of 2023, apprehending that the respondent in the Original Petition would remove the minor child from the jurisdiction of this Court and move over to Delhi, in view of an opportunity given for her professional work at Delhi, a learned Single Judge of this Court had granted an order of interim injunction restraining the respondent from moving the child to Delhi. Seeking to vacate that particular order, the respondent in the O.P has filed O.A.No.312 of 2024. Independent of those petitions, the respondent in the original petition has also filed an application in A.No.2250 of 2024 seeking permission to take the child to her sister's house at Bombay during the summer vacation between 20.05.2024 and 30.05.2024. These days have been expressed in the additional affidavit filed in support of the petition. The petitioner, in the original petition, has filed an affidavit expressing his wish to take the child to Bangalore from 04.05.2024 till 19.05.2024 and in between, to



also visit Munnar with his family.

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2. The filing of this application in A.No.2250 of 2024, and the statement in the affidavit of the petitioner in the O.P that he would like to take the child to Bangalore and practically, not stating any serious objections to the respondent taking the child to Bombay from 20.05.2024, would indicate the case that the parties have moved over from the relief sought in O.A.No.403 of 2023. The contingencies which then prevailed that the mother would remove the child to New Delhi no longer exists. The said application in O.A.No.,403 of 2023, has become otiose and no purpose would be served in keeping that particular application alive as on date.

3. The said application in O.A.No.403 of 2023 and the application seeking to vacate the interim injunction in O.A.No.312 of 2024 are therefore closed and the injunction which had been granted while restraining the respondent from taking the child to New Delhi, stands



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vacated. The parties are at liberty to seek permission of this Court, if ever they want to take the child anywhere. It is with satisfaction that it is recorded that they have actually done so, by filing application A.No.2250 of 2024, by which both parents seek to alternatively take the child, the father to Bangalore and the Mother to Bombay. It is hoped that the child would be happy in this whirlwind tour during the summer vacation and would have stories to tell to his friends when the school reopens.

4. Permission is therefore granted, for initially the father/petitioner in the original petition to take the child on 04.05.2024 till 19.05.2024 to Bangalore, Munnar and any other such place and later also to the respondent in the Original Petition to take the child to Mumbai from 20.05.2024 till 31.05.2024.



5. Needless to point out that both the parents have the responsibility to ensure that to take care of the physical and mental health of the child and ensure that the child enjoys their company during the visits.

6. List the matter once again on 10.06.2024.

29.04.2024

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