



CM.A.No.1768 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

CM.A.No.1768 of 2023

and

CMP. No.17340 of 2023

P.Udayasankaran

... Appellant

Versus

U.Deepika

... Respondent

Civil Miscellaneous Appeal filed under Section 47 of the Guardian and Wards Act, 1890, to set aside the order, dated 30.11.2022 made in G.W.O.P.No.134 of 2019 on the file of the Principal District Judge, Tiruvallur.

For Appellant : Mr.P.C.Thiyagu

For Respondents : Mr.Prince Premkumar

JUDGEMENT

This Civil Miscellaneous Appeal has been filed challenging the orders passed by the learned Principal District Judge in G.W.O.P.No.134 of 2019 on 30.11.2022.



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2. The Appellant and the Respondent are husband and wife. The marriage between the appellant and the respondent was solemnized on 18.02.2005 and out of their wedlock, two children namely Megha and Seshanth Raj were born on 24.11.2005 and 05.02.2011 respectively. Due to the family dispute, the appellant and respondent were living separately. In these circumstances, the appellant, being father, filed a petition under Section 25 of the Guardians and Wards Act, 1890 in G.W.O.P.No.134 of 2014 before the Principal District Judge, Tiruvallur, seeking custody of the minor children viz., Megha and Seshanth Raj and the same was dismissed. However, the learned Principal District Judge, Tiruvallur permitted the Appellant to visit the minor children once in two months, on every first Saturday till the minor wards attain majority. Aggrieved against the same, the present Civil Miscellaneous Appeal has been preferred by the appellant

3. This Court had interacted with the appellant / father, Respondent / mother and the children on 27.02.2024 and dismissed this Civil



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Miscellaneous Appeal insofar as the custody of the minor girl Megha, since she attained majority.

4. Today heard the elaborate arguments of the learned counsel for the appellant as well as for the Respondent.

5. The learned counsel appearing for the appellant suggested that the appellant may be permitted to visit his son Seshanth Raj once in a month instead of once in two months as ordered by the Principal District Judge, Tiruvallur and other conditions may remain unaltered. Therefore, the learned counsel for the appellant requested this Court to modify the order as above.

6. The learned counsel for the Respondent / mother submitted that the respondent has no objection for the appellant to visit his son once in a month, by modifying the order of the learned Principal District Judge, Tiruvallur.



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7. In view of the above submissions, this Civil Miscellaneous Appeal is disposed of with the following directions, viz.,

- i. The Appellant is permitted to visit his son Seshanth Raj at the office of the District Legal Services Authority, Tiruvallur on the first Saturday of every month at 3.00 p.m. to 6.00 p.m;
- ii. The Respondent is directed to bring her son Seshanth Raj at the office of the District Legal Services Authority, Tiruvallur on the first Saturday of every month at 3.00 p.m. without fail;
- iii. The Appellant is at liberty to interact with his son at the above place and time;
- iv. Both the Appellant and the Respondent shall act in the best interest of the children;
- v. The Appellant and the Respondent shall ensure that during the visiting hours, the child should not be subjected to mental agony.

8. However, the learned counsel for the appellant further seeks some



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relaxation of the above condition to the effect that the appellant may be permitted to visit the child during vacation. It is open for the Appellant to file a petition for getting such relaxation before the trial Court. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2024

Index : yes/no
Speaking Order / Non speaking order
Neutral Citation : Yes/No
vum

To

The Principal District Judge, Tiruvallur.



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KRISHNAN RAMASAMY.J.,

vum

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