



WEB COPY

A. 2256 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2024

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

A. 2256 of 2024

IN

OP. 716 OF 2023

MRS.LAKSHMIPATHY AND ANOTHER
S/O MR.M.ELUMALAI,NO.23/8, TELUGU CHETTY
STREET, OLD WASHHERMANPET, CHENNAI 21

APPLICANT(S)

Vs

1. SADHASIVAM
2. RADHA RESPONDENT(S)/PETITIONER(S)
3. MR.KUMAR
4. MRS.BHUVANESWARI
5. MRS.RANI RESPONDENT(S)/RESPONDENT(S)

For Appellant(s): M/S.N.NAGU SAH
N.CHANDRA SEKAR

For Respondent(s): MR.S.PATRICK

ORDER

OP No.716 of 2023 is in respect of a minor female child by name Roshini.

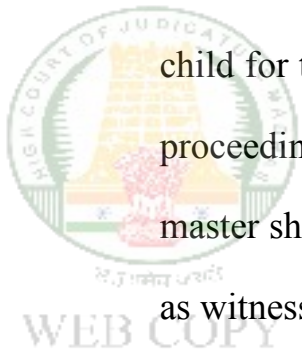
Admittedly, the petitioner's are the biological parents of the minor child. The 1st respondent is the brother of the 1st petitioner. The 2nd respondent is the wife of the 1st respondent.



2. From the pleadings, it appears that the 1st respondent and the 2nd respondent had no female child and therefore, they have asked the petitioners to give their daughter in adoption and the process of adoption was undertaken by both the families. However, the procedure not completed. Meanwhile, the custody of the child some how been given to the another brother of the 1st petitioner and the 1st respondent, whose name is Lakshmipathy.

3. The said Lakshmipathy has filed this application No.2256 of 2024 to get himself and his wife impleaded as respondents 4 and 5 in OP No.716 of 2023. In fact, when the matter was under consideration by this Court, while considering the interim custody of the child, the role of Lakshmipaty and his wife taken into account and both the learned Single Judge as well as the Division Bench of this Court has observed that in the matter of custody of the child, it is between the biological parents and one of the brother of the 1st petitioner to whom there was an understanding between the family to give the child in adoption. In such a scenario, the other brother Lakshmipathy has no role, though, he may have taken care and custody of the child at that point of time. In fact, this Court on 03.01.2024 had made it clear that the visitation rights of the petitioners of the minor child and the custody of the minor child with the respondents 1 and 2 to continue until further orders.

4. In such circumstances, the present application filed by Lakshmipathy and his wife to get themselves impleaded as respondents 4 and 5 has no legs to stand. Hence, the application to implead stands dismissed. However, since they had the custody of the



child for temporary period and that have been taken into consideration by the proceedings their right to participate in the trial is allowed. In other words, the master shall permit the petitioners in A.No.2256 of 2024 to get themselves examined as witnesses gracing the witness box to give evidence, if necessary.

5. Post the matter before Master for examination of witnesses from 08.01.2025.

10-12-2024

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Dr.G.JAYACHANDRAN.,J
rka

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