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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:19.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

O.P.No.425 of 2024

Mrs.Roshan Davina Eddy

.. Petitioner

/versus/

Mr.John Pradeep Rajkumar

.. Respondent

This Original Petition is filed under Sections 3,7,8,9,10&25 of Guardian and Wards Act, 1890 read with Order XXI Rule 2&3 of O.S.Rules read with Clause 17 of Letters Patent Act, praying to

i)the petitioner may be granted permanent, sole legal custody of the minor Girl child namely Ramona born on 13.07.2014 who is presently aged 9 years;

ii) the petitioner be appointed as the sole, permanent, legal Guardian of the minor Girl child namely Ramona born on 13.07.2014 who is presently aged 9 years;

For Petitioner : M/s.Rohini Ravikumar

For Respondent : Mr.S.Surya
for M/s.A.S.Kilasam and
Associates

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By consent of both the parties, the main O.P is taken up for final disposal.

2. The petitioner-Mrs.Roshan Davina Eddy appeared through Video Conferencing and identified by his counsel in the Court. The respondent-Mr.John Pradeep Rajkumar is present before this Court and identified by his counsel.

3. It is stated that the petitioner and the respondent were married as per Christian rites and customs on 10.09.2011 at St.Andrew's Church (The kirk),No.69, Poonamallee High Road, Egmore, Chennai - 600 008 and they have one daughter, Ramona, born on 13.07.2014. Due to the matrimonial discord, both the parties have filed in Mutual Consent Petition in I.D.O.P.No.1494 of 2024 which is pending before the VII Additional Family Court, Chennai. It is represented by both the parties as per the E-status filed in typed set of papers, the same was allowed by the VII Additional Principal Judge, Family Court, Chennai, on 10.10.2024. The order copy yet to be furnished.

4. Accordingly, this Original Petition is allowed on the following conditions:-

(i) It is humbly submitted that both the



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petitioner and the respondent has agreed that the petitioner shall have full, permanent, sole legal custody and guardianship of the minor child namely Ramona born on 13.07.2014 who is now aged 9 years.

(ii) In the event of the petitioner having to move out of Chennai or India, taking the minor child along with her, the respondent shall have no objection to the same. The visitation schedule shall be facilitated by both petitioners through Video Conferencing.

(iii) The respondent shall be permitted to visit his daughter for 3 hours on the 1st and 3rd Saturday, till she reaches the age of 16 and if the visitation does not happen, he can have a video call. After the minor child, Ramona turns 12, the respondent shall be permitted to have a supervised meal with her once a month. After the minor daughter Ramona turns 16, the respondent will pick up his daughter and spend half a day with her once a month at his parent's place under their supervision and the petitioner will come to pick her up after the visitation. Any change in the modalities of the visitation shall be mutually agreed upon both the petitioner and respondent. The wishes of the child shall also be considered and respected.

(iv) The respondent has agreed to deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) for the benefit of his minor daughter and the said sum shall be handed over to the 1st petitioner at the time of tendering evidence in the mutual consent petition.

(v) The respondent shall pay a monthly sum of Rs.40,000/- with a 5% interest p.a., towards the maintenance of the child Ramona and the same shall be credited to the bank account of the minor with the petitioner as the guardian of the account and this payment will be paid till the child is 25 years old or till her marriage/employment. The said amount shall be paid on or before the 7th of every month.

(vi) The respondent shall pay a sum of Rs.2.50 lakhs per annum towards the educational expenses of his



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minor daughter and a further sum of Rs.7,500/- per month towards expenses for her extra curricular classes. Any changes in the said expenses will be mutually discussed and decided. The said amount shall be paid on or before the 7th of every month and the entire school fees shall be deposited in the account of the petitioner on or before the 1st of April every year.

(vii) The respondent will have the right to visit his daughter on her birthday every year at a mutually agreed time.

(viii) It is further submitted that the petitioner shall take full responsibility towards the growth and development of the minor child and the petitioner will be entitled to take all decisions with respect to and relating to the child including relating to her education, keeping the welfare and best interests of the child in mind. The respondent has no objection to the same.

5. Considering the visitation rights given under Clause (iii) & (vii) to the respondent-father, in the event of any change of the new cellphone number, the petitioner-mother shall intimate the same to the respondent-father and change of address if any, the same shall be intimated to the petitioner-mother.

6. Accordingly,

(i) This Original Petition is allowed.



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(ii) The petitioner is granted permanent, sole legal custody of the minor Girl child namely Ramona born on 13.07.2014.

(iii) The petitioner is appointed as the sole, permanent, legal Guardian of the minor Girl child namely Ramona.

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RMT.TEEKAA RAMAN,J.,



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