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O.P.No.318 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:19.12.2024

Coram

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

O.P.No.318 of 2024

Harshini.U

.. Petitioner

/versus/

C.Arjun Raj

.. Respondent

Original Petition has been filed under Sections 3,7 to 10 of the Guardians and Wards Act read with Order XXI, Rule 2 & 3 of OS Rules, praying to:

(a)that the petitioner may be granted the permanent custody of her minor girl child named A.Samhitha, aged 4 years 8 months at the time of filing this petition;

(b)that the petitioner be appointed as the legal guardian of the person of the minor child viz., A.Samhitha aged 4 years 8 months.

For Petitioner :Ms.K.Parameshwari

For Respondent :Ms.V.Chethana



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ORDER

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Original Petition filed by the mother of the minor child by name, A.Samhitha as against the father/respondent herein has been referred to the Mediation and Conciliation Centre, High Court, Madras and the parties have arrived at an amicable settlement with the assistance of the Administrator on 09.12.2024 and they have reduced to writing in terms of the settlement and signed it before the respective counsels.

2. In view of the settlement arrived between the parties, they have also decided to withdraw H.M.O.P.No.3737 of 2023 pending on the file of the 1st Additional Family Court, Chennai and O.P.No.318 of 2024 pending on the file of the Madras High Court.

3.The petitioner is present in person. The respondent is appeared through video conferencing. They are in amicable settlement of their dispute and seek for order in terms of the settlement arrived on 09.12.2024.

4. Considering the nature of the dispute, the settlement arrived



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between the parties, Original Petition No.318 of 2024 is disposed of on the terms of the settlement arrived between the parties on 09.12.2024.

5. Para 6 Clause(A) and (I) of the settlement signed jointly by the petitioner and the respondent shall form part of the order and the same is extracted as below:-

“A.The Parties were married according to Hindu rites and customs on 21st August 2016. They have a daughter - Minor child A.Samhitha (born on 29-08-2019) currently aged about 5 years.

B.The minor child is in Dr. Harshini's care and custody. Dr.Harshini also acknowledges Dr.Arjun's right to actively participate in his daughter's life and a father and parent, which includes a visitation arrangement and all other aspects concerning the minor child's life including but not limited to schooling, health, co-curricular activities and extra-curricular activities.

C. The Parties have mutually agreed that Dr. Arjun is given visitation with the minor child on the first and third Sundays of each month between 05:00 pm to 08:00 pm when Dr. Arjun is working in CMC Vellore or any other place outside Chennai from the date of filing the Settlement Agreement in the Madras High Court in O.P.No. 318 of 2024.



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D. Whenever Dr.Arjun's return to Chennai, the Parties have mutually agreed that he can meet the minor child from 05:00 pm to 08:00 pm on two weekdays every week, and on two Sundays in one month from 05:00 pm to 08:00 pm (totally 10 days a month) at any mutually convenient public place. In the event the child has any academic or extra-curricular activities to complete during this time, Dr. Arjun will assist and help the minor child with the same when she is in his custody.

E. In addition to this, Dr. Arjun will be able to speak to the minor child over video-call every Monday, Wednesday, and Friday, from 07:15 pm to 07:30 pm from the date of filing the Settlement Agreement in the Madras High Court in OP No. 318 of 2024.

F. Dr. Harshini undertakes to inform and notify the First Petitioner regarding any relocation/ moving of residences along with the minor child, so that Dr. Arjun is aware of the minor child's whereabouts at all times.

G. In the event Dr. Harshini is moving abroad or out of Chennai with the minor child, she shall disclose the location of her stay and residence to Dr. Arjun, and visitation through video-conferencing will proceed and any physical visitation will be decided in accordance with the comfort of the parties. Similarly, in the event Dr. Arjun is moving abroad or out of Chennai, he shall disclose the location of his stay and residence to Dr. Harshini, and visitation through video-conferencing will proceed and any



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physical visitation will be decided in accordance with the comfort of the parties.

H. There are currently 3 cases pending before the Family Court and the Hon'ble Madras High Court - H.M.O.P. No. 3737/2023 filed by Dr. Harshini on the file of the Hon'ble 1st Additional Family Judge, Chennai, O.P. No. 318/2024 filed by Di.Harshini and O.P.No. 755 of 2024 filed by Dr. Arjun pending before the Hon'ble Madras High Court. The Parties undertake to withdraw these contested cases, and also the allegations contained in the same. This mutual understanding reflects the Parties' desire to resolve the matter amicably and without further legal disputes. It also highlights their commitment to move forward with their lives separately while maintaining respect for one another.

I. The Parties also undertake to file a mutual consent divorce petition (enclosed with this Settlement Agreement) that they will file in the Subordinate Court Poonamalle or any other appropriate fora that contains the terms regarding the dissolution of their marriage.”

DR.G.JAYACHANDRAN,J.



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In the result, O.P.No.318 of 2024 is disposed of on the above terms.

19.12.2024

Index:yes/no
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