



WEB COPY



O.P.No.721 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

O.P.No.721 of 2019

T.Kishan Kumar

..Petitioner

/versus/

Vidya Kishan

.. Respondent

This Original Petition is filed under Sections 3,7 to 10 and 25 of the Guardian and Awards Act VIII of 1890 r/w Rule 2 and 3 of O.S.Rules, praying to :-

a).the petitioner herein may be appointed as the Guardian of the person of the minor child K.Kshaunish born on 19.07.2010;

b).to grant permanent custody of the minor child K.Kshaunish born on 19.07.2010 to the petitioner herein;

c).Costs of the suit.

For Petitioner : M/s.K.Sumathi

For Respondent : Mr.Y.Kaja Navan



O.P.No.721 of 2019

J U D G M E N T

WEB COPY

The parties had entered into the compromise and a joint compromise memo dated 19.08.2024 had been presented in Court on 22.08.2024. Since two of the parties had signed the joint memo of compromise and the same is hereby recorded.

2. The Terms of Compromise dated 19.08.2024 in Paragraph No.II is as follows:-

II. Terms of Compromise:-

1. The petitioner and the Respondent hereby undertake and agree that the minor child would to be with the Respondent on all the school working days.

2. The petitioner and the Respondent hereby undertake and agree that the minor child would be with the Petitioner on all weekends from Friday to Sunday. The Petitioner undertakes to pick the child from the Respondent's residence, every Friday around 7PM. On working Saturdays, the petitioner undertakes to pick the child directly after school and the Respondent hereby agrees to pick the child back from the Respondent's residence at 6 PM every Sunday.

3. The Petitioner and the Respondent hereby undertake and agree that the minor child would be with the Petitioner on the date of the yearly THITHI RITUALS of the petitioner's father and mother.

4. The Petitioner and the Respondent hereby undertake and agree that the school vacation of the minor child would be equally shared by the Petitioner and the Respondent based on convenience



O.P.No.721 of 2019

of the minor child. In case of any discrepancies, the Petitioner and the Respondent mutually agree for the Petitioner to have custody over the child for the 1st half of the Summer Vacation followed by the Respondent taking the child for the remaining half of the vacancies.

5. The Petitioner and the Respondent hereby undertake and agree that, they shall be entitled to have equal custody of the child on Diwali and other holidays during Dussehra, Christmas, Pongal and Summer Holidays irrespective of it being a holiday for a day or more.

6. The Petitioner and the Respondent hereby undertake and agree that the Petitioner would keep and retain the Passport of the minor child and that the Petitioner will be taking steps for the renewal of the passport. The Respondent shall cooperate in signing the necessary documents and shall also appear in person before the appropriate authorities for the purpose of facilitating the passport to be issued in the name of the minor child K.Kshaunish. Likewise, the Petitioner shall share the soft copy of the new passport to the Respondent.

7. The Petitioner and the Respondent hereby undertake and agree that the Petitioner shall be entitled to spend one half of the day on the birthday of their minor son, K.Kshaunish.

8. The Petitioner and the Respondent undertake to have the custody of their minor son, K.Kshaunish with the Petitioner on his birthday on 17th February as well as with the Respondent on her birthday on 23rd February every year.

9. The Petitioner and the Respondent hereby undertake and agree that they would adjust with each other for the priority and the welfare of the child."



WEB COPY



O.P.No.721 of 2019

RMT.TEEKAA RAMAN,J.,

nvi

3.In view of the above observations, the Original Petition is ordered in terms of the joint compromise memo. No order as to costs. The joint compromise memo shall form part of the decree.

22.08.2024

nvi

Neutral Citation : Yes / No
Index : Yes / No
Speaking order : Yes / No

O.P.No.721 of 2019



WEB COPY



O.P.No.721 of 2019

22.08.2024