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O.S.A.No.224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.01.2024

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

O.S.A.No.224 of 2023
AND
C.M.P.No.26394 of 2023

M.V.Nandhinee

.. Appellant

Vs.

1.V.Asokan
2.A.Devika

.. Respondents

Original Side Appeal filed under Order XXXVI Rule 1 of Original Side Rules read with Clause 15 of Letters Patent, against the order dated 18.10.2023 passed in O.P.No.649 of 2022.

For Appellant : Mr.J.Ramesh
for Mr.S.Kasirajan

For Respondents : Mrs.Rita Chandrasekar
for Ms.R.Meenakshi

JUDGMENT

(Judgment of the court was delivered by R. MAHADEVAN, J.)

This original side appeal arises from an interim order dated 18.10.2023 passed by the learned Judge in O.P.No.649 of 2022.



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2. The above referred original petition has been filed by the respondents herein, who are the paternal grandparents, to declare them as guardian of the minor child Niralyaa, till she attains majority. On 18.10.2023, when the matter came up for consideration, the learned Judge has directed the appellant / mother to produce the child before the court on 17.11.2023, failing which, appropriate warrant would be issued to the concerned Embassy to secure the child. Aggrieved by the same, the appellant is before this court with the present appeal.

3. On 13.12.2023, when the original side appeal was taken up for consideration, this Court, as agreed by both sides, has passed the following order :

“Today, when the matter was taken up for consideration, the learned counsel appearing for the respondents filed a memo dated 13.12.2023 to the effect that both the parties have mutually agreed for visitation rights of the respondent herein who is going to visit Sharjah on 14.12.2023 to meet the minor child Niralya. It is also stated in the memo that the respondents would take the minor child on 15.12.2023 and 16.12.2023 as well as on 22.12.2023 and 23.12.2023 at about 10.00 a.m., to 06.00 p.m., at Dubai Mall, Aquarium Center, Dubai and during visitation, the respondents will take care of the minor child and pick up and drop the minor child in all these four days without causing any inconvenience to the child. Therefore, the learned counsel sought for visitation rights in favour of the respondents on the above mentioned dates.



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2. *The learned counsel appearing for the appellant has no serious objection for granting such visitation rights of the minor child to the respondents.*

3. *In view of the submissions made by the learned counsel for both sides and based on the memo dated 13.12.2023 filed on the side of the respondents, this court permits the 1st respondent/paternal grandfather to take the minor child by name Niralya for four days viz., 15.12.2023, 16.12.2023, 22.12.2023 and 23.12.2023 from Dubai Mall, Aquarium Center, Dubai at 10.00 a.m., and deliver back to the mother by 06.00 p.m. every day.*

4. *Post this matter on 05.01.2024 for passing further orders.”*

4. Today, when the matter came up for hearing, the learned counsel appearing for both sides submitted that the aforesaid order has been complied with.

5. In view of the above, this Court is of the opinion that nothing survives for further adjudication herein. Hence, this original side appeal stands closed, leaving it open to the parties to face the ordeal of trial, purely on merits and in accordance with law. No costs. Connected miscellaneous petition is closed.

[R.M.D,J.] [M.S.Q, J.]
12.01.2024

Neutral Citation : Yes/No
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