



WEB COPY



A.Nos.268 & 270 of 2024

A.Nos.268 and 270 of 2024
in O.P.No.721 of 2019

C.V.KARTHIKEYAN, J.

These two applications have been filed seeking to re-call P.W.1 for cross-examination and to re-open the evidence of P.W.1 for that particular purpose.

2. The evidence of P.W.1, who is the father of the child have been closed by the order of the learned Master dated 19.09.2023. Various allegations are raised by the petitioner against the respondent and by the respondent against the petitioner, but in view of the fact that evidence will have to be analysed, let me not enter into any detailed discussion about the same.

3. Learned counsel for the respondent/petitioner in the main Original Petition has stated that this application lacks bonafide and stated that the petitioner herein, had not appeared before the Court and it is also stated that the boy was examined by my Predecessor and that the boy had expressed his wish to stay with both the parents in alternate weeks. Let that arrangement, if



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put in place, continue. But once evidence is commenced to be recorded, it would only be appropriate that the petitioner and respondent focus themselves in tendering the evidence in order to obtain final order relating to guardianship and permanent custody, instead of wrangling around the temporary custody of the child. They have already put the child to sufficient mental torture and I hope that they realise that they have brought him up, not to torture him, but to provide him with an atmosphere conducive enough for him to live happily atleast till the age of 18 and thereafter, when he can take a decision for himself.

4. Learned counsel for the respondent/petitioner in the O.P. stated that a day may be fixed for cross-examination and I hope that the learned counsel who stated that he would do the cross-examination on 03.07.2024 would abide by that particular commitment made by him and not protract the matter any further.

5. In that belief, list the matter before the learned Master on 03.07.2024 for appearance of P.W.1. The respondent to commence and if possible, complete the cross-examination on that particular date. Thereafter,



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the learned Master may post the matter for further evidence of the petitioner and if there is no further evidence, for the evidence on the side of the respondent. After recording evidence, the matter may be listed before this Court. In view of the above reasons stated, both the applications stands allowed. It is made clear that on 03.07.2024, if the respondent does not cross-examine the petitioner, then the Master will have to refer the matter before this Court and further orders shall be passed.

24.06.2024

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