



C.M.A.(MD) Nos.1333 of 2009 & 45 of 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

C.M.A.(MD) Nos.1333 of 2009 & 45 of 2010

In C.M.A.(MD)No.1333 of 2009:

Revathi Meena.

... Appellant

Vs.

M.Jeyakodi.

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 47 of the Guardians and Wards Act, 1890, to call for the records relating to the judgment and decree dated 24.11.2009 passed in G.W.O.P. No.35 of 2008 on the file of the I Additional District Court, Madurai in respect of allowing the respondent herein to retain the custody of minor son Aravindh Jeyasurya and set aside the same.

For Appellant : Mr.B.Saravanan

For Respondent : Mr.V.Pandian

In C.M.A.(MD)No.45 of 2010:

M.Jeyakodi.

... Appellant

Vs.

Revathi Meena.

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 47 of the



C.M.A.(MD) Nos.1333 of 2009 & 45 of 2010

Guardians and Wards Act, 1890, to set aside the Fair and Decreetal dated 24.11.2009 made in G.W.O.P.No.46 of 2008 on the file of the I Additional District Court, Madurai, allow the appeal.

For Appellant : Mr.N.Shanmugaselvam

For Respondent : Mr.D.Kirubakaran

COMMON JUDGMENT

The instant appeals have been filed by the father and the mother of the minor children, respectively, aggrieved by the common order passed by the Trial Court.

2. For the sake of convenience, the parties are referred to as the mother and the father.

3. The brief facts of the case are as follows:

a. The marriage between Jeyakodi (father) and Revathi Meena (mother) took place on 17.11.1996 and two children were born out of the wedlock;

b. The son Aravindh Jaya Surya was born on 25.08.1997 and the daughter Jayaharini was born on 03.10.2001;



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c. Since differences of opinion arose between the parties, the dispute arose as regards the custody of the minor children;

d. The mother filed G.W.O.P.No.35 of 2008, praying to appoint her as guardian of both children and seeking custody of the minor son, who was in the custody of the father. The father filed G.W.O.P.No.46 of 2008 seeking custody of the minor daughter, who was in the custody of the mother. Both the parties produced evidence in respect of their respective claims.

4. The Trial Court, after taking into consideration the oral and documentary evidence, partly allowed G.W.O.P.No.35 of 2008 filed by the mother and appointed her as guardian of the minor daughter and permitted to retain the custody of the minor daughter and dismissed her claim for custody of the minor son. Consequently, G.W.O.P.No.46 of 2008 filed by the father, was dismissed. The custody of the minor son was allowed to be retained by the father.

5. The instant appeals have been filed challenging the common order passed by the Trial Court as aforesaid.



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6. The learned counsel on both sides submitted that both the children have now attained majority. On perusal of the records, it is seen that the minor son was born on 25.08.1997 and the minor daughter was born on 03.10.2001 and thus, they have attained majority and hence this Court is of the view that the instant appeals have been infructuous, as no useful purpose would be served in adjudicating the respective claim of the parties.

7. In the result, these Civil Miscellaneous Appeals are dismissed as infructuous. No costs.

30.08.2024

Index: Yes/ No
NCC: Yes / No
Speaking Order / Non-Speaking Order
apd

To:

1. The I Additional District Court, Madurai.

2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

apd

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