



C.M.A(MD)Nos.153 and 824 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2023

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)Nos.153 and 824 of 2021

and

C.M.P.(MD)No.1334 of 2021

C.M.A(MD)No.153 of 2021:

Jeganatha Jeyam

... Appellant

Vs.

Anitha Jeganath

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 47 of the Guardians and Wards Act, 1890, against the decreetal order, dated 31.08.2020, passed in G.W.O.P.No.26 of 2017, on the file of the District Judge, Thoothukudi.

For Appellant : Mr.G.Aravinthan

For Respondent : No Appearance

C.M.A(MD)No.824 of 2021:

Anitha Jeganath

... Appellant

Vs.

Jeganatha Jeyam

... Respondent



C.M.A(MD)Nos.153 and 824 of 2021

PRAYER: Civil Miscellaneous Appeal is filed under Section 47 of the Guardians and Wards Act, 1890, against the fair and decreetal order, dated 31.08.2020, passed in G.W.O.P.No.26 of 2017, on the file of the Principal District Judge, Thoothukudi.

For Appellant : No Appearance
For Respondent : Mr.G.Aravinthan

COMMON JUDGMENT

The husband had filed GWOP seeking custody of the child. The child was born on 30.09.2011 and as on date, the child is 13 years old. The child is studying in Narayana International School, a CBSE School. After analyzing the evidence and the deposition of the parties, the Principal District Court has granted the custody to the wife and granted visitation rights to the husband. The prayer of the husband for granting custody was dismissed and the visitation rights was granted on second Saturday of every month at the District Legal Service Authority Building, Thoothukudi, between 10.00 AM to 05.00 PM and the wife was directed to produce the child on such days. Aggrieved over the same, the husband has preferred C.M.A.(MD)No.153 of 2021 and the wife has preferred C.M.A. (MD) No.824 of 2021.



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2. The child has already attained 13 years of age and the child is staying with the mother. If the child is relocated, it will affect the child mental health as well as the child's future prospects. Therefore, this Court is not inclined to grant custody to the husband. However, the husband is entitled for visitation rights as stated in the order.

3. Both the appellant and the respondent have not raised any legally sustainable ground hence this Court is not inclined to interfere in the impugned order. However, apart from the visitation rights granted by the Lower Court, this Court is permitting the husband to take the child with him for two days during the May vacation every year.

4. Hence, the order passed by the Lower Court is modified to the extent stated above. With the above said observation and direction, the Civil Miscellaneous Appeals are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Tmg



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To

- 1.Principal District Judge, Thoothukudi.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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