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O.P.No.213 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.213 of 2024

and

A.No.4933 of 2024

Ramprasad Balasubramanian

... Petitioner

Vs.

Yashodha Manohara

... Respondent

PRAYER: Original Petition filed under Section 25 of Guardians and Wards Act, 1890 read with Order XXI Rule 2 and 3 of Original Side Rules, praying that this Hon'ble Court may be pleased to

(a) Grant permanent custody of the minor child Master R.Vishnu Rathan, aged about 4 years 7 months presently residing in the custody of the petitioner at R/o – 50, Karaigounder Layout, 5th Street, Behind Sannas Inn, Kalveerampalayam, Coimbatore, Tamil Nadu – 641046, to the petitioner herien on such terms and conditions as this court may deem fit and proper and thus render justice.

(b) provide such other reliefs as this court may deem fit and proper and pass such other suitable order and orders as may be necessary in the circumstances of the case and thus render justice.



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For Petitioner : Mr.J.Deliban

For Respondent : Mr.V.Vijayakumar

ORDER

The instant Original Petition had been filed under Section 25 of the Guardians and Wards Act, 1890 read with Order XXI Rule 2 and 3 of the Original Side Rules.

2. When the matter was taken up for hearing today, a memo dated 13.06.2025 had been filed by the petitioner indicating to this Court that he is willing to relinquish his right with regard to the permanent custody of the child provided he is given a visitation rights and had suggested various modes of visitation including his right to perform the rituals of the child.

3. The learned counsel for the respondent had filed a memo of objections dated 07.07.2025 and a perusal of the same would indicate that the respondent had oppose the various suggestions made by the petitioner as regards to his visitation.



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4. The relationship between the petitioner and the respondent had been ended by way of *ex-parte* decree passed by the competent Family Court. The primary objection of the respondent is that the petitioner had till date failed to maintain his minor son and has also been in violation of the order of maintenance made in M.C.No.176 of 2023. It is also to be noted that if any order of maintenance had been passed and is being violated, the same could be redressed in the manner known to law. This Court also records the dissatisfaction for the petitioner in violating the order of maintenance as being the biological father, he is also responsible for the education of the child.

5. Even though the respondent strongly objected to the arrangement sought for by the petitioner, this Court considering the fact that the petitioner being the biological father would be entitled to have a visitation right over the child, even if the petition goes against him. In the present case, the petitioner wants to relinquish his right subject to him being granted visitation right of the child.

6. In such view of the matter, this Court is inclined to dispose of this Original Petition in view of the memo filed by the petitioner relinquishing



his right over the permanent custody of the child. He shall be entitled to the

following visitation rights :-

- (i) the petitioner shall have the custody of the minor child from 09.00 a.m. to 06.00 p.m. on alternative Sunday. The respondent shall hand over the child to the petitioner at 09.00 a.m. and the petitioner shall hand over the child back to the respondent at 06.00 p.m. on the same day;
- (ii) the petitioner would be entitled for 50% of the vacation both, viz., short and long vacations, declared by this Court. The petitioner shall have the access of the child during the birthdays of the child and would be entitled to spend two hours of uninterrupted visitation over the child. The petitioner shall also be entitled to spend five hours during the major festivals;
- (iii) the petitioner shall also be entitled to perform the Upanayanam of the child and shall intimate the respondent atleast 30 days in advance of such performance and would be entitled to have the custody of the child for the performance of the said function. The respondent shall bring the child one day in advance of the said function and take back the child one day after the completion of the rituals;
- (iv) in the interest of the child, the petitioner is also



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permitted to participate in the parent-teacher meeting of the child and the respondent shall intimate the educational progress of the child to the petitioner;

(v) the petitioner, being the biological father of the child, shall also pay the school fees and other educational expenses incurred in respect of the child;

7. With the above terms, this Original Petition is disposed of. The respondent is at liberty to take necessary application for violation of any orders passed by the appropriate Court. No costs. Consequently, the connected application is closed.

07.07.2025

Index : Yes / No
Speaking order / Non-speaking order
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K.KUMARESH BABU, J.

sp

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