



WEB COPY



A NO. 1569 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01-04-2025**

CORAM

THE HONOURABLE MR JUSTICE K.KUMARESH BABU

A NO. 1569 of 2025

in

O.P.No.757 of 2023 and A.No.6132 of 2023

Aarcha Jijo
D/o.Jijo Punnoose, A 403, Block No.A, Casa
Grand Cherry Pick, Gandhi Society Road,
Perumbakkam, Chennai - 600 126.

Applicant(s)

Vs

Vipin Varghese Ajith
S/o.Ajith Ninan, D106, D-Block, 10th Floor,
Dinesh Vihar Apartments, Thalambur Link Road,
Semmancherry, Chennai - 600 130.

Respondent(s)

For Applicant(s):

M/s.K.Sumathi

For Respondent(s):

Mr.R.S.Mangalakumar

ORDER

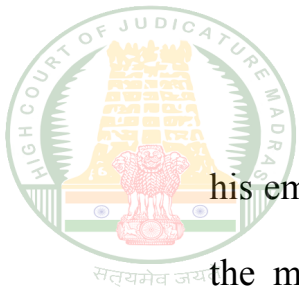
The instant application has been taken out by the applicant/mother seeking custody of the minor child during the ensuing summer vacation.



WEB COPY

2. The learned counsel for the applicant would submit that the minor child is in the custody of the respondent/father and the original petition is to grant custody of the minor child to the applicant/mother. She would submit that this Court earlier had been granting visitation rights to her and also during the extended holidays. In fact, she would submit that during the last visitation, the child had expressed his desire for taking him during the summer vacation. The child had also come with some more suggestions on the destinations, and therefore she has taken out this application for having the child during the summer vacation so that she could arrange for tickets and book rooms for Boarding during the summer vacations for the place the child visits. She would submit that the summer vacation for the child commences on 12.04.2025 and is to end on 08.06.2025. Therefore, she seeks necessary orders to be passed in the present application.

3. Countering the claim, the learned counsel appearing for the respondent would submit that the child is reluctant to go with the mother even on the interim arrangement that was made by the Court. He would further submit that the child has expressed his desire to go to Cochin, and to spend time with cousins and friends, who are staying at Cochin. He would further submit that forcing the child to have an arrangement would have a negative impact with



WEB COPY

his emotional well-being. He would further request this Court to interact with the minor child to know his preference. In fact, he would also draw the attention of this Court to the order in Contempt Petition No.276 of 2024 dated 13.03.2024 where the Court had an interaction. Therefore, he would suggest that the present arrangement shall be continued till the disposal of the original petition.

4. I have considered the submissions made by the respective learned counsel and also perused the materials on record.

5. This Court in its order dated 13.03.2024 in Contempt Petition No.276 of 2024 had recorded its interactions with the child separately and with the parents of the child. This Court had recorded its shock from the allegations made by the child and had also recorded the inter se allegations of both the parents. This Court had also recorded its opinion that the parents of the child have to mend their ways for the welfare of the minor child. The court had also recorded the level of understanding of the minor child to be amazing and who has his own ideas including the ideas that had been given to the Court. This order had been passed one year back. I do not find any improvement in their relationship as they are even fighting for the visitation that is now claimed



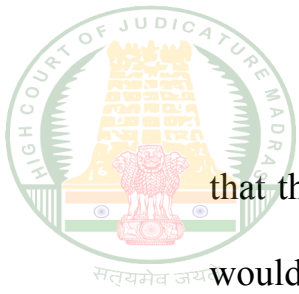
before this Court.

WEB COPY

6. It is also to be noted that vide order dated 15.12.2023, this Court had permitted the applicant/mother to have the custody of the child during the Christmas holidays. On 29.04.2024, for the summer vacation, the applicant/mother was permitted to have custody of the child between 01.05.2024 and 10.05.2024. Thereafter, by order dated 18.06.2024, the petitioner and the respondent were directed to take the child for an assessment by Dr.Poorna Chandirika. By order dated 11.12.2024, this Court had permitted the applicant/mother to have the custody of the child from 21.12.2024 till 26.12.2024 and also for Pongal holidays, the child was permitted to be with the mother. Thereafter, the present application had been taken out.

7. The minor child as well as the parents, namely the petitioner and the respondent in the original petition, have been counselled by the Mrs.A.G.Shanti, Assistant Professor-cum-Clinical Psychologist, Department of Clinical Psychology, Institute of Mental Health, Kilpauk, Chennai.

8. A perusal of the report of the respondent and the petitioner would indicate



WEB COPY

that they have a conflict in areas of family, self-concept, etc. The said report would also indicate that all is not well with the attitude of both the petitioner and the respondent. On the contrary, the impression and outcome recorded by the psychologist with regard to the minor child indicates that the child finds it difficult to cope up with the emotions in view of the parental attitudes. The said report also indicates that the child feels more secure and protective with his mother. The report further indicates a need for nurturing environment to achieve the goals and to manage his familial relationships. The report further also indicates that the relationship with the father is tense and fearful whereas the relationship with the mother is secure and protective. The child is anxious and distress in view of the frequent parental conflicts. The child has also expressed his desire for achievements and approval. It is to be noted that a learned Judge of this Court has also recorded the desire, brilliance, and innovative ideas the child has.

9. The report further also indicates that the child is very ambitious and responsible, including the planning for his future. It is also to be noted that the child is just aged about 10 plus years. It is the father's claim that the child wants to spend time with his friends and relatives in Kerala. On the other



WEB COPY

hand, it is the claim of the mother that the child had drawn out certain destinations, where she would like to take the child to fulfill the desire of the child. It is to be seen that the child's holidays admittedly begins from 12th April 2025 and is extended till 8th June 2025. As claimed by the father, the child can be taken to Kerala to spend time with his extended family and cousins between 12.04.2025 and 30.04.2025. If the claim of the mother is to be accepted, then the mother can take the child to his desired destination between 01.05.2025 to 31.05.2025. Thereafter, the child has 8 more days to prepare for reopening of the school on 08.06.2025.

10. In such view of the matter, I am inclined to grant interim custody of the minor child to the applicant/mother from 01.05.2025 to 31.05.2025. She is entitled to pick up the child at 10:00 a.m. on 01.5.2025 and shall hand over the child back to the respondent/father on 31.5.2025 at 6:00 p.m. The applicant/mother is at liberty to take the child to a destination including a Foreign country. If that is so, the respondent shall co-operate by handing over the passport of the minor child to the applicant/mother and also co-operate for obtaining the necessary visa for the child's travel along with the applicant/mother. If the respondent/father fails to co-operate with the applicant/mother, the applicant/mother shall be entitled to seek a visa for



travel of the minor child outside India.

WEB COPY

11. With the aforesaid directions, the application in A.No.1569 of 2025 in O.P.No.757 of 2023 stands disposed of. However, there shall be no order as to costs.

01-04-2025

kak

To

1. Vipin Varghese Ajith
S/o.Ajith Ninan,
D106, D-Block, 10th Floor,
Dinesh Vihar Apartments,
Thalambur Link Road,
Semmancherry,
Chennai - 600 130.