



WEB COPY

A.No.1525 of.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 26.04.2025	PRONOUNCED ON 30.04.2025
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CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A.Nos.1525 of 2025

in

O.P.No.191 of 2024

Pranav Prakash

... Applicant/Petitioner

vs.

1.M.A.Anjena

2.A.Manjula

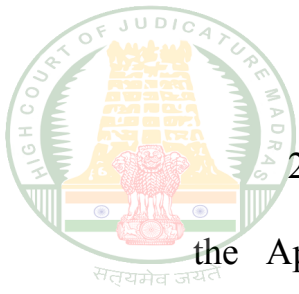
... Respondents

For Applicant : Ms.R.Sumithra Chakkaravarthi

For Respondent : Ms.S.R.Sumathy

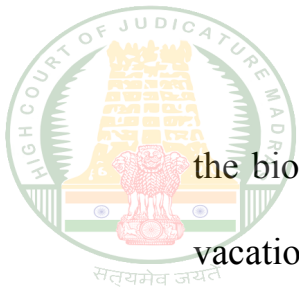
ORDER

This application had been filed to grant the interim custody of the minor child Jaishiv Pranav born on 13.01.2021 now aged about 4 years to the applicant/petitioner herein during the summer vacation from 01.04.2025 to 30.05.2025 in the absence of the 1st respondent/mother.



2) Heard Ms.R.Sumithra Chakkaravarthi, learned counsel appearing for the Applicant and Ms.S.R.Sumathy learned counsel appearing for the respondents.

3) The learned counsel appearing for the applicant would submit that the minor child is now under the care of the maternal grandmother, who is the second respondent. The first respondent/mother had abandoned the child with her mother and had left to Canada under the pretext of pursuing higher studies. She would submit that as early as in August 2024, a representation was made to this Court that the first respondent/mother of the child would come back from Canada in August 2024 on completing her Courses. In this regard, an affidavit was also directed to be filed. She would submit that when the matter was again taken up, a representation was made by the learned counsel indicating that the course will only be completed in December and not in August 2024. Thereafter, visitation rights was permitted. She would submit that she had also taken out an application in A.No.3549 of 2024 to have the custody of the minor in the absence of the first respondent/mother and the same was also pending consideration. She would submit that the present application had been taken out by the biological father seeking for interim custody during the present summer vacation of the minor child. She would submit that the applicant being



the biological father should atleast be granted the custody during the summer vacation of the child.

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4) Countering her arguments, the learned counsel appearing for the respondents would heavily contend that the first respondent/mother has been ill-treated by the applicant and his family and therefore, she had no other option to leave the matrimonial home. As she did not have any financial support, she had gone to Canada for further studies and thereafter to seek employment to have financial independence. She would submit that the first respondent/mother would complete her studies and return to India in August 2025, as she has some arrears to be cleared. She would further submit that the applicant had been provided with the access to the minor child and therefore, there is no necessity for ordering the application as prayed for. She had also relied upon the judgment of the Hon'ble Apex Court in the case of ***Shazia Aman Khan & Anr., vs. The State of Orissa & Ors.***, reported in ***2024 (3) SCR 10***, to contend that the paramount interest of the child would have to be seen as to whose custody the child should be given. She would further submit that even assuming that the applicant/father is granted guardianship of the minor child, the custody of the minor child can still be left with the respondents as held by the Hon'ble Apex Court. Therefore, she prays this Court to dismiss the



Application.

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5) I have considered the rival submissions made by the learned counsels appearing on either side and perused the materials placed on record.

6) This is an application seeking for interim custody of the child during the summer vacation that too in the absence of the first respondent/mother, who had left the child in the custody of the second respondent. From the facts narrated above, it is clear that the first respondent/mother had left the child in the custody of the second responden/grandmother and had went to Canada.

7)When the matter was listed in the month of August, 2024, a statement was made that the first respondent/mother would return back to India by August 2024, but when again the matter was listed, it had been informed before this Court that the mother would postively return in December, 2024. The first respondent/mother has not returned till date. Now it is the contention of the learned counsel appearing for the respondents, the first respondent/mother will complete her studies in August 2025 and will return to India by August 2025. It is to be noted that no such affidavit had been filed as directed by this Court in its order dated 06.08.2024 even as on today. The date of return had been time



and again changed at the whims and fancies of the first respondent/mother. In the present application, the reliance placed upon the judgment of the Hon'ble Apex Court, need not be gone into, for the simple reason that what the applicant now seeks in this application is only an interim custody during the summer vacation. This Court by its order dated 27.03.2025, had requested the Psychologist attached to the Child Care Centre at Family Court, Chennai to assess the relationship between the applicant/father and the minor child. A report dated 07.04.2025 had been placed before this Court. The said report is as follows:-

The session started at 11.50 am and ended at 2.15 pm. His father reported at 10.30 am and the Grandmother and the child reported at 11.50 am.

1. Observation:-

The Child appeared to be comfortable and relaxed during the visitation. The father was observed to be attentive and engaging with the child.

2. Assessment:-

Based on the assessment, it appears that the child is comfortable and safe with the father during the visitation.

3. Emotional response:-



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During the visitation initially the child appeared to take some minutes of time to mingle with his father.

Then the father engaged in drawing and played with the child. After that he became more relaxed and engaged with his father. Moreover both had more eye contact, verbal communication and sharing their love during the visitation. The child was more comfortable with his father.

4.Mother Involvement: (2nd respondent)

His mother is studying abroad his Grandmother only came for the visitation. There was no interference from the respondent during the visitation. She only observed their activities.

5. Child Psychologist evaluation:

Based on the interaction and Psychological evaluation, the child emotional state appears to be concerned and further visitation is recommended.

6. Conclusion and Recommendation:

It is recommended to continue visitation. Provide additional emotional support and stability to the child.

So, consider additional counseling or therapy to support the child's emotional well being.



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8)The report suggests that the child's emotion appears to be concerned and the further visitation by the father was recommended. Such visitation was to provide additional emotional support and stability to the child. The report also indicates that the child was much comfortable in the company of the applicant/father and there has been sharing of love between them.

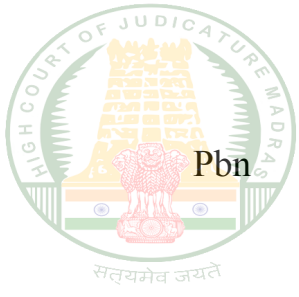
9)In such view of the matter, I do not find any impediment in granting the interim custody of the minor child as prayed for by the applicant/father during the ensuing summer vacation. The applicant/father shall have the custody of the minor child from 01.05.2025 till 31.05.2025. The applicant/father shall be entitled to pick up the child at 9.00 am on 01.05.2025 and shall drop back the child to the second respondent on 31.05.2025 @ 6.00 pm.

10)With the above directions, the Application in A.No.1525 of 2025 is disposed of.

30.04.2025

Index : Yes / No

Internet :Yes / No



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K.KUMARESH BABU.J.,

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Pre-Delivery Order in
A.Nos.1525 of 2025
in
O.P.No.191 of 2024

30.04.2025