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A NO. 1685 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2025

CORAM

THE HONOURABLE MR JUSTICE K.KUMARESH BABU

A NO. 1685 of 2025

in

O.P.No.109 of 2025

M.Prakash

S/o.J.Manohar, No.2A/20, Krishna Nagar 1st
Street, Jawahar Nagar, Peravallur, Chennai - 82.

Applicant(s)

Vs

Dharani N V

No.10, 3rd Street, Pournami Nagar,
Nalavanpalayam, Tiruvannamalai - 606603.

Respondent(s)

For Applicant(s):

Mr.M.Prakash
(Party-in-Person)

For Respondent(s):

Mr.G.Balamanikandan

ORDER

The present application has been filed to direct the respondent to grant interim custody of the minor child P.Harnish, aged about 9 years D.O.B.22.05.2014, P.Sathvika and P.Sathvik (Twins) aged about 6 years to the petitioner on summer vacation holidays from 1st May to 31st May 2025 and from 10th April to 14th April 2025.



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2. The party-in-person would seek interim custody of the minor children during the summer vacation. It is his claim that during the visitation rights granted by this Court, the minor children had sought the petitioner to take them for vacation to any Hill station, and accordingly, to fulfill their wishes, he had also booked a resort at Munnar and placed the itinerary before this Court. He would further submit that he had been in regular visitation of the children on every Saturday from 10:00 a.m. to 2:00 p.m. The said visitation is hindered on Saturdays as the school is also working on some Saturdays. He would further submit that his relationship with the children is also conducive and they do not have any difficulty in going with the applicant/father. Therefore, he seeks interim custody of the children during the summer vacation from 1st May to 31st May, 2025.

3. Countering his arguments, Learned Counsel appearing on behalf of the respondent/mother would submit that the applicant/father, only to avoid payment of maintenance, had filed this petition to coerce the respondent/mother to give up her right to maintenance. He would further submit that it would be unsafe for the children to be in his custody. He would



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further submit that as of today, the petitioner has not paid the interim maintenance amounting to a sum of Rs.1,20,000/- as ordered by this Court in CRP No. 1861 of 2024, and for that reason itself, the present original petition should be dismissed. He would pray this Court not to show any indulgence to the petitioner by granting interim custody of the children.

4. I have considered the submissions made by the Learned Counsel appearing on either side.

5. The applicant admittedly is the biological father of the minor children. There had been very many disputes which had been raised between the parties against each other. The contention of the Learned Counsel appearing for the respondent that for non-payment of maintenance as ordered by this Court, the original petition itself should be dismissed. This Court is of the considered view that the same cannot be a ground to reject the original petition or the application. This Court cannot be converted into an executing court to execute an order passed in the CRP.



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6. Even though the respondent/mother had raised many allegations against the applicant/father for violating the orders of visitation granted, it could be seen that there is no averment leveled against the applicant/father with regard to his ill-behavior with the minor children.

7. The minor children are now aged 9 and 7 years, respectively. They had also been having regular visitation rights with the applicant/father without any complaint of ill-treatment.

8. In such view of the matter, this Court is of the view that the applicant/father can be given interim custody of the children for 15 days starting from 01.05.2025 till 15.05.2025. The applicant/father is entitled to pick up the children at 9:00 a.m. on 01.05.2025 and shall hand over the children back to the respondent/mother by 6:00 p.m., on 15.05.2025. He is entitled to take the children to any place within India. He shall give details of the plan during the 15 days to the respondent/mother in writing at the time when he picks up the children, including the details of a platform for video conferencing.



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9. The applicant father shall facilitate video conferencing of the minor children with the respondent/mother on a daily basis for a minimum of 15 minutes.

10. With the aforesaid directions, the application in A.No.1685 of 2025 in O.P.No.109 of 2025 stands disposed of. However, there shall be no order as to costs.

24-04-2025

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To
1. Dharani N V
No.10, 3rd Street,
Pournami Nagar,
Nalavanpalayam,
Tiruvannamalai - 606603.