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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1479 of 2023 and
C.M.P.no.10646 of 2024

K. Srinivasan

... Appellant

Vs.

T. Saveetha

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 47 of the Guardian and Wards Act, 1980 to set aside the Fair order dated 18.12.2017 made in G.O.P.No.18 of 2017 on the file of the Additional District Judge at Salem and allow the Civil Miscellaneous Appeal.

For Appellant : Mr.R. Sathayanarayan Davay
For Respondent : Mr.S. Balasubramanian

JUDGMENT

The appellant had filed this appeal to set aside the Fair order dated 18.12.2017 made in G.O.P.No.18 of 2017 on the file of the Additional District Judge at Salem.



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2. The brief facts of the case of the appellant/claimant is as follows:

The marriage between the appellant and respondent herein was solemnized on 02.11.2008 as per Hindu rites and customs. Due to the said wedlock one male child was born to them. Thereafter, there was some misunderstanding between them due to which the respondent/wife filed a divorce petition in F.C.O.P.No.192 of 2015 before the Family Court. As the appellant was set ex-parte a decree was passed on 25.11.2015. Pursuant to which the appellant herein filed G.O.P. No. 18 of 2017 on the file of III Additional Judge, Salem seeking for the custody of the child. The learned Judge who heard the case by order dated 18.12.2017 has partly allowed the case and granted two days visitation rights to the appellant herein. To set aside the same the appellant has filed the present petition.

3. The learned counsel for the appellant submitted that pending this petition, the respondent herein filed a H.C.P.No.682 of 2023 to produce her child before the Court. This Court vide order dated 27.04.2023 made an temporary arrangement that the appellant/husband shall take the custody of the child upto 15.06.2023 and made it clear that this decision is only upto the GAWA Court takes a decision.



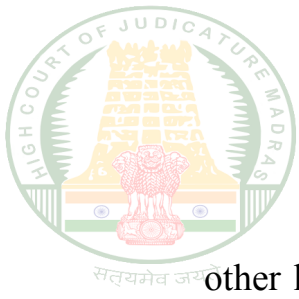
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4. The learned counsel further stated that the respondent/wife got remarried and she has not been taking care of the child. He further stated that the child was willing to live with the appellant herein, but the said fact has not been taken into account by the learned Judge. Hence prays to allow this petition.

5. The learned counsel for the respondent submitted that she as a mother of the child has more emotion and affection towards the child and willing to take care of the child and will follow the directions passed in the G.O.P. No. 18 of 2017 on the file of III Additional Judge, Salem and will allow her child to visit the appellant during holidays.

6. Heard both sides and perused the materials available on record.

7. On perusal of records it is seen that after passing orders in the G.O.P. No. 18 of 2017 on the file of III Additional Judge, Salem there was a change in circumstances and the respondent/wife has got remarried and permitting the child to live with the respondent/wife who is the mother of the child will certainly affect the child psychologically. On



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other hand the respondent/wife is the mother of the child and she would be having emotions and affection towards the child. Hence, this Court directs the respondent/wife to visit the child in the District Legal Services Authority, District Court Campus, Salem. The appellant is directed to leave the child at District Legal Services Authority, District Court Campus, Salem, on the first Saturday of every English calendar month at 10:30 a.m and take the child at 4:30 p.m. The said arrangement will be continued till it is modified by any Court of law.

9. With the above observation and directions, this appeal stands disposed of. No order as to costs. Consequently the connected miscellaneous petition is closed.

13.08.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
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To

1. The Additional District Judge at Salem.
2. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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