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CONT P NO. 1277 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

Contempt Petition No. 1277 of 2025

and

A Nos.2348 & 1931 of 2025

in O.P.No.224 of 2025

Dr. I. Preethi,
D/o. Inbamani, No. 51/26, Tiruvalluvar Street,
Gandhi Salai, Velachery, Chennai - 600 042.

Petitioner(s)

Vs

Dr. S. Chandru and 2 others
S/o.Kanitha Sampath, Sakthi Nagar, Vallam Post,
Opp.Thiruvath Amman Kovil, Chengalpattu - 603
002. and 2 Others

Contemnor(s)

A NO. 2348 of 2025

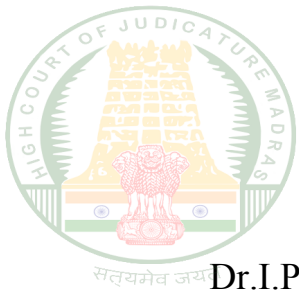
Dr.S.Chandru
S/o.Kanitha Sampath,
Sakthi Nagar, Vallam Post,
Opp.Thiruvath Amman Kovil,
Chengalpattu - 603 002.
Also having office at
ESK Hospital,
No.13, West Mada Street,
Thiruporuru (OMR) - 603 110.

Petitioner(s)

Vs

Dr.I.Preethi
D/o.Inbamani, No.51/26, Thiruvalluvar Street,
Gandhi Salai, Velacherry, Chennai - 600 042.

Respondent(s)



A NO. 1931 of 2025

Dr.I.Preethi
D/o.Inbamani,
No.51/26, Thiruvalluvar Street,
Gandhi Salai, Velacherry,
Chennai - 600 042.

Petitioner(s)

Vs

Dr.S.Chandru
S/o.Kanitha Sampath,
Sakthi Nagar, Vallam Post,
Opp.Thiruvath Amman Kovil,
Chengalpattu - 603 002.
Also having office at
ESK Hospital,
No.13, West Mada Street,
Thiruporuru (OMR) - 603 110.

Respondent(s)

OP NO. 224 of 2025

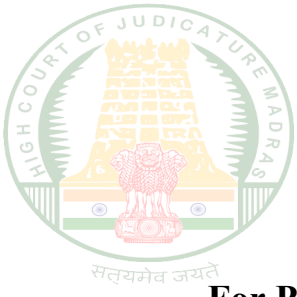
I.Preethi
D/o.Inbamani,
No.51/26, Thiruvalluvar Street,
Gandhi Salai, Velacherry,
Chennai - 600 042.

Petitioner(s)

Vs

S.Chandru
S/o.Kanitha Sampath,
Sakthi Nagar, Vallam Post,
Opp.Thiruvath Amman Kovil,
Chengalpattu - 603 002.
Also having office at
ESK Hospital,
No.13, West Mada Street,
Thiruporuru (OMR) - 603 110.

Respondent(s)



**Contempt Petition No.1277 of 2025 & A.No.1931 of 2025
and O.P.No.224 of 2025**

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For Petitioner(s):

Mr.J.Saravanavel

For Contemnor(s):

Mr.OM Prakash (Senior counsel)
For Mr.B.Vijay (For R1)

Mr.S.Balaji
Government Advocate (Criminal Side)

A No. 2348 of 2025

For applicant(s):

Mr.OM Prakash (Senior counsel)
For Mr.B.Vijay (For R1)

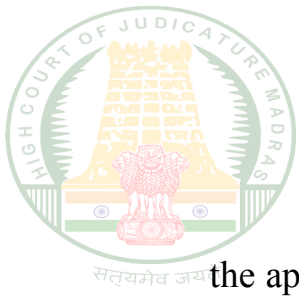
Mr.S.Balaji
Government Advocate (Criminal Side)

For Respondent(s):

Mr.J.Saravanavel

COMMON ORDER

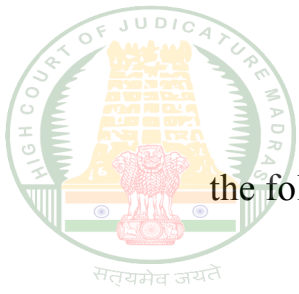
By order dated 09.04.2025, this Court had directed the respondent to hand over the child to the applicant/mother. As the respondent/father had failed to hand over the child and the second respondent, who was also directed to secure the custody of the child and hand over to the applicant, had failed to do so, the instant contempt petition had been filed.



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2. Pursuant to the order dated 27.06.2025, the child was handed over to the applicant/mother by the respondent/father and was produced before me in my Chambers today. I had an interaction with the child. The child even though aged about 8 years, had clear thoughts and had been very expressive of his feelings towards both the parents. Even though he had an inclination to be with the father, he had clearly expressed his wishes to be with the mother. Further, it is to be noted that the child had been in the custody of the mother after their separation somewhere in August 2024 and was being educated at a school within the city. Only from 14.03.2025, the child had been in the custody of the father. Such custody had been a litigious custody as the interaction with the child also disclosed that the child wished to be with the mother and also considering the fact that the applicant being the biological mother, she would be best suited to have the custody of the minor child by considering the age of the child. This cannot preclude the respondent from having visitation rights over the child.

3. Therefore, this Court is of the view that the respondent/father can also have custody of the minor child during the weekends i.e., on every Saturday and Sunday, starting at 10:00 a.m on every Saturday till 06:00 p.m,



the following Sunday.

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4. In view of the fact that custody of the minor child is granted to the mother, this Court also requests the educational institution, in which, the child was previously studying, to re-admit the child in the same school for the betterment of the child.

5. This Court also takes into the account the conduct of the respondent/father as narrated in the affidavit filed by the Deputy Superintendent of Police in the contempt petition, but does not propose to record the same so as to give a quietus to the issue.

6. The affidavit filed by the Deputy Superintendent of Police, the third respondent herein is taken on record. Even though he had given reasons as to why there was disobedience of the order, it could be seen that on 09.04.2025, when they had visited the residence of the respondent, they had found the child along with the father and his paternal grand parents. However, they had indicated since the minor had refused to go with his mother and as it was late in the night, also taking into consideration the request of the



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respondent/father and his family members to produce the child the next morning, to avoid causing mental agony to the child at late, they had not complied with the order. But, however, the affidavit further indicates that on the subsequent dates, the respondent/father had not honoured his commitment. Had the authorities complied with the order, the subsequent events would not have unfolded. It would therefore have been proper for them to have complied with the orders of this Court, which would not have lead to such an occasion for them to unnecessarily seek an apology from this Court.

7. However, this Court accepts unconditional apology made by the officer concerned and wishes not to proceed any further with the contempt petition, since this arises out of family dispute, which they were not parties.

8. In fine, the applications in A.Nos.1931 and 2348 of 2025 as well as the contempt petition in Contp.No.1277 of 2025 stand closed. No costs.

30-06-2025

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K.KUMARESH BABU, J.

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**Contempt Petition No. 1277 of 2025
and
A Nos.2348 & 1931 of 2025
in O.P.No.224 of 2025**

30.06.2025