



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2025

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CORAM

**THE HONOURABLE DR JUSTICE ANITA SUMANTH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

OSA No. 169 of 2025

AND

CMP NO. 10908 OF 2025,CMP NO. 11966 OF 2025

1. R.Dinesh Kumar
S/o. Rajasekaran.V, No. 499,18th
Street, 4th Sector, Kalaignar
Karunanidhi Nagar, Chennai-78.

Appellant(s)

Vs

1. Haryni @ Sri Haryni Prabhakar
D/o. P.Prabhakar, Now Res. at. VGN
Fairmonth, D-S3, 78, Parathasarathy
Koil Street, Arulayaiammanpet, Thiru
Vika Industrial Estate, Guindy,
Chennai-32. Earlier Res. at, 53, Purva
Parkridge, Goshala Road,
Madhadevpura, Bangalore-560 048.

Respondent(s)

CMP No. 10908 of 2025

1. R.Dinesh Kumar
S/o. Rajasekaran.V, No. 499,18th



Street, 4th Sector, Kalaiggar
Karunanidhi Nagar, Chennai-78.

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Appellant(s)

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Respondent(s)

OSA No. 169 of 2025



PRAYER

To set aside the Judgment and Decree dated 23.04.2025 of this Honble Court in Appl. No. 1778 of 2025 in OP No. 147 of 2024 and render justice.

CMP No. 10908 of 2025

PRAYER

To stay the operation of the Order passed in Appl. No. 1778 of 2025 in GWOP No. 147 of 2024 dated 23.04.2025 pending disposal of the present Original Side Appeal.

CMP No. 11966 of 2025

PRAYER

To end the visitation rights of the Respondent which was granted by order dated 29/04/2025 in OSA.No.169/2025

OSA No. 169 of 2025

For Appellant(s): Mr. A.K.Sriram, Senior Counsel
For M/s. A.S.Kailasam
Associates For Appellant

For Respondent(s): Mr. M.K. Kabir, Senior Counsel
For M/s. K.Sumathi, For Sole
Respondent

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

Read this order in continuation of and conjunction with order dated 29.04.2025 reading as follows:

'We have heard Mr.A.K.Sriram, learned Senior Counsel for M/s.A.S.Kailasam Associates for the appellant (father) and Mr.M.K.Kabir, learned Senior Counsel for Ms.K.Sumathi, learned counsel for the respondent (mother).



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2. Based on the deliberations, we have arrived at a via media that, we believe, would balance the interest of both the parents. To be noted that the period for which this order operates is itself only the month of May, 2025.

3. Both parties had agreed, in principle, to the interim arrangement as proposed by the Court, and the Court had requested the parties to put in writing their understanding in order to ensure that they were all on the same page.

4. The respondent has filed memo dated 29.04.2025 reading as follows:-

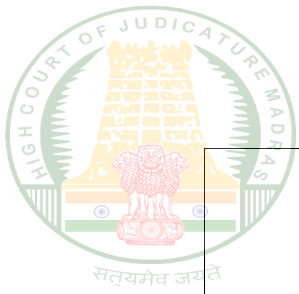
'The Respondent humbly submits as follows:

The Respondent submits that she agreed to file a joint memo along with the Appellant to have the visitation granted during summer vacations as per the Order passed by the Hon'ble Single Judge in Application No.1778 of 2025 in O.P.No.147 of 2024 dated 23.04.2025 rearranged in the following manner:

The Respondent/mother will have the children for three continuous days with her and the Appellant/father will have them for one day and the dates are set out hereunder:

May 1st to May 26th shall be shared in the following manner:

<i>Dates on which the children will be with the mother in May 2025</i>	<i>Dates on which the children will be with the father in May 2025</i>
<i>May 1, 2, 3</i>	<i>May 4</i>
<i>May 5, 6, 7</i>	<i>May 8</i>
<i>May 9, 10, 11</i>	<i>May 12</i>
<i>May 13, 14, 15</i>	<i>May 16</i>



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<i>Dates on which the children will be with the mother in May 2025</i>	<i>Dates on which the children will be with the father in May 2025</i>
<i>May 17, 18, 19</i>	<i>May 20</i>
<i>May 21, 22, 23</i>	<i>May 24</i>
<i>May 25, 26</i>	<i>May 27</i>

The children will be dropped by the father on the morning of 01.05.2025, 05.05.2025, 09.05.2025, 13.05.2025, 17.05.2025, 21.05.2025 at 10 am at the mother's residence. They shall be picked up by the father at 10 am on 04.05.2025, 08.05.2025, 12.05.2025, 16.05.2025, 20.05.2025, 24.05.2025 and 27.05.2025 from the mother's residence.

The Appellant did not agree to file a joint memo. Hence, she is filing this memo as undertaken. The Respondent is willing to even pick up and drop the children at 10 AM on the given dates from the Appellant's house.

*Sd/-
Respondent*

*Sd/-
Counsel for Respondent'*

5.The appellant has also filed a memo dated 29.04.2025 reading as follows:

'The Appellant submits as follows:

The Appellant had preferred the present appeal against the order dated 23.04.2025, Appln.No.1778 of 2025 in O.P.No.147 of 2024.



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Pursuant to the submissions made, this Hon'ble Court was inclined to change the interim visitation, that was directed to commence on 01.05.2025 to 20.05.2025 continuously.

The Appellant request access to minor children during the visitation without any restrictions and hindrance from the Respondent.

<i>Dates on which the children will be with the mother in May 2025</i>	<i>Dates on which the children will be with the father in May 2025</i>
<i>May 1, 2, 3</i>	<i>May 4</i>
<i>May 5, 6, 7</i>	<i>May 8</i>
<i>May 9, 10, 11</i>	<i>May 12</i>
<i>May 13, 14, 15</i>	<i>May 16</i>
<i>May 17, 18, 19</i>	<i>May 20</i>
<i>May 21, 22, 23</i>	<i>May 24</i>
<i>May 25, 26</i>	<i>May 27</i>

The children will be dropped by the father/Appellant on the morning of 01.05.2025, 05.05.2025, 09.05.2025, 13.05.2025, 17.05.2025, 21.05.2025, 25.05.2025 at 10 am at the mother/Respondent's residence. They shall be picked up by the father/Appellant at 10 am on 04.05.2025, 08.05.2025, 12.05.2025, 16.05.2025, 20.05.2025, 24.05.2025 and 27.05.2025 from the mother/Respondent's residence.



*Sd/-
Appellant*

*Sd/-
Counsel for Appellant'*

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6.In light of the memos filed, the children, Harsha Devakaran, aged 12 years & Dushyant Devakaran aged 9 years together referred to as 'children' are permitted to stay with their parents in accordance with the schedule as per the above memos. This arrangement shall continue till 10.00 a.m., on 27.05.2025. The visitation period covered under this order commences from Thursday, the 1st of May, 2025.

7.In order that the apprehensions of both parties stated allayed, we clarify that the parties are at liberty to make a mention before the Vacation Benches of this Court, if need be, with prior notice to the other side, if they encounter any difficulty in the implementation of this order.

8.This liberty is granted bearing in mind the interests of the minor children. The Registry shall permit them to make mention or file urgent interim applications, if they so desire, upon production of a copy of this order.

9.With this order, effectively the OSA could be closed. However, at parties request, we adjourn the matter to 02.06.2025 by which date, the OSA would be rendered infructuous.

10.List on 02.06.2025.'

2.Both Mr.A.K.Sriram and Mr.Kabir, learned Senior Counsel would concur that the arrangement under the aforesaid order has worked itself out. They only seek that a time frame be fixed for hearing of GWOP.No.147 of 2024 and a time frame of four months is granted so fixed, to run from 09.06.2025 when the matter is stated to be next listed for hearing.



3. We specifically direct both parties to co-operate in such disposal, as the fixation of the time frame is at their instance and per their request.

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4. This Original Side Appeal is closed in terms of this order. No costs.

Connected miscellaneous petitions are also closed.

(ANITA SUMANTH J.)(N.SENTHILKUMAR J.)

02-06-2025

VS

Index: Yes/No

Speaking order

Internet: Yes

Neutral Citation: Yes

To

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