



WEB COPY



A No. 2412 of 2025
in O.P.No.215 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-05-2025

CORAM

THE HONOURABLE MR JUSTICE G. R. SWAMINATHAN

A No. 2412 of 2025 in
OP NO. 215 OF 2025

Dhivya Sashidar
W/o.Prasanna Sankaranarayanan, Door
no.1105, B-Block, KG, IMPRESSIONS,
Maduravoyal Bypass Flyover Bridge,
Chennai, Tamil Nadu 600 095.

... Applicant

Vs

Prasanna Sankaranarayanan
S/o.Sankaranarayanan, No.240, 1st
Street, Mogappair West, P.O. Mogappair,
District Tiruvallur, Tamil Nadu - 600 037.

... Respondent

PRAYER

To Vacate the Ex Parte Status Quo Order dated 16/04/2025, in the interest of justice and welfare of the Child in A.No.1897 of 2025 in O.P.No.215 of 2025, until the completion of the Honble Supreme Court ordered mediation process.

For Applicant : Mr.S.Rajasekar (Change of Vakalat
filed)

For Respondent: Ms.Geetha Luthra, Senior Counsel
for M/s.Deepika Murali and
K.Harishankar



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ORDER

This application has been filed to vacate the status quo order passed on 16.04.2025 in A.No.1897 of 2025 in O.P.No.215 of 2025.

2. Learned counsel appearing for the applicant in A.No.2412 of 2025 reiterated all the contentions set out in the affidavit filed in support of the application.

3. The respondent in this application has filed a detailed counter affidavit and the learned Senior Counsel took me through its contents.

4. The basic facts are not in dispute. The parties herein got married at Chennai on 18.09.2013. A male child was born through the wedlock in U.S.A. in the year 2016. Serious differences of opinion have arisen between the parties herein. Suffice it to say that all these facts have been captured in the order dated 19.12.2024 in in C.R.P.(PD) No.4521 of 2024 filed by Prasanna Sankaranarayanan. By the said order, this Court had restrained the applicant herein (Dhivya Sashidhar) from proceeding further with the divorce proceedings initiated by her in U.S.A. Aggrieved by the said anti-suit injunction order, Dhivya Sashidhar filed S.L.P.(C) No.10443 of 2025. The said SLP was taken up for hearing on 04.04.2025. Dhivya Sashidhar also filed W.P.(Criminal) No.147 of 2025 seeking production of the child.



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The said writ petition was taken up by the Supreme Court on 07.04.2025 and tagged along with S.L.P.(Civil)(Diary) No.16915 of 2025. Both the cases were taken up on 02.05.2025 and the following order was passed on the said date.

" Learned counsel appearing for the parties are in agreement that the matter may be referred for Mediation.

Accordingly, we request Hon'ble Justice N.Kirubakaran, former Judge of the Madras High Court to act as a Mediator between the parties.

The parties are directed to appear before the learned Mediator on 15th May 2025 at Chennai in person initially and thereafter, as the learned Mediator may decide.

The learned Mediator is given liberty to fix his own fee.

List after the report of the Mediator is received."

5. It is not in dispute that the Hon'ble Mediator has taken up the matter on 15.05.2025. On the said date, the following minutes were drawn.

" Since, the dispute is between the spouses, the Hon'ble Supreme Court thought it fit to refer the matter to this Mediator by virtue of order dated 02.05.2025 in S.L.P. (C)No. 10443 of 2025. While appointing this Mediator, the Hon'ble Court fixed 15.05.2025 for preliminary meeting.



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Accordingly, both the parties along with their Advocates are present before the Mediator. The Mediator enquired both the spouses separately to know their version.

With the consent of both the parties, the matter is posted to 21.05.2025 at 02.30 p.m. The parties assured to give written proposal / proposals for settlement. The parties are advised to make introspection of the whole issue holistically and give fair proposal.

Mrs. Dhivya Sashidar stated that she could not meet her child for the past two months and therefore she wants to see her child atleast in the next meeting. However, Mr.Prasanna expressed his apprehension that the child would be taken away from India. He is ready to bring the child in the next hearing provided the Petitioner gives an undertaking before the Hon'ble High Court in O.P.No. 215 of 2025 that she would not take away the child and the case is likely to come up before the Hon'ble High Court tomorrow. He would further insist that the passport of the child is to be deposited either before the Court or before the Arbitration Centre.

However, the Petitioner would state that the Respondent is trying to get duplicate passport and take away the child from India. The Petitioner hereby undertakes that she would not remove the child from India and there is a staus-quo order regarding the child by the Hon'ble High Court in the above said O.P. Therefore, the Petitioner cannot take away the child which is contempt of Court.



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The Mediator is of the opinion that the child should not be taken away by any of the parties from India. Since, the mother has not seen the child for the past two months, the child is required to be produced in the next, mediation meeting provided the Petitioner deposits the child's passport with the Madras High Court Arbitration Centre, as the Petitioner has already given undertaking before this Mediator today. The Mediator hopes that the parties would sort out the issues using this Mediation process very effectively.

Call the matter on 21.05.2025 at 2.30 p.m., in the same venue."

The matter stands posted to tomorrow (21.05.2025) at 2.30 P.M.

6. I am clearly of the view that, when the Hon'ble Mediator is seized of the matter pursuant to the direction given by the Hon'ble Supreme Court, the continuance of the status quo order may not be appropriate. If it continues to operate, it would certainly come in the way of the Hon'ble Mediator from effectively disposing of the matter. Article 144 of the Constitution of India mandates that all authorities, civil and judicial, in the directory of India shall act in aid of the Supreme Court. The status quo order passed in this G.W.O.P on 16.04.2025 will definitely come in the way of the mediation process that has been directed to be undertaken by the Hon'ble Supreme Court. I make it clear that I am not passing any order regarding custody of the child. These are matters to be worked out either before



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WEB the Hon'ble Mediator or before the Hon'ble Supreme Court of India.

7. I am constrained to come to this conclusion for two other reasons; in C.R.P.(PD) No.4521 of 2024, a statement was made on behalf of Prasanna Sankaranarayanan that he would not file any suit regarding custody of the child. Learned Senior Counsel appearing for Prasanna Sankaranarayanan would argue that during the relevant time, the child was not in India and therefore such an undertaking was given and that there has been change in circumstances. In view of the execution of the MoU between the parties and the physical presence of the child within the jurisdiction of this Court, G.W.O.P was rightly filed. I am not swayed by this submission. If the circumstances pointed out by the learned senior counsel justified the filing of G.W.O.P, a clarification ought to have been obtained from the learned Judge who disposed of the said C.R.P. Secondly, in O.P.No.412 of 2025 filed by Prasanna Sankaranarayanan for divorce, an interim application was filed seeking custody of the child. The said interim application was dismissed on 13.03.2025. If Prasanna Sankaranarayanan felt aggrieved, he should have challenged it by filing a Civil Revision Petition. Filing a G.W.O.P and obtaining an interim order of status quo therein is clearly an abuse of legal process.

8. For the aforementioned three reasons, the status quo order is vacated and



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WEB COPY this application is allowed.

KST
Index:Yes/No
Internet:Yes
Neutral Citation:Yes/No

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G.R.SWAMINATHAN J.



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