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O.P. No.621 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.621 of 2023

Sangeetha Somu D/o. Somu Rajalingam Petitioner

vs.

R. Thilakeswaran S/o. Rajakanthan ... Respondent.

PRAYER: The Original Petition has been filed under Sections 7, 10 and 25 of the Guardian and Wards Act read with Order XXI Rule 2 and 3 of Original Side Rules and Clause XVII of Letters Patent Act praying to grant custody of the minors to the petitioner and to appoint the petitioner as guardian of the person of the minors viz., (i) Minor Dathathreya Thilakeswaran, (ii) Minor Tihami Tarekant and (iii) Minor Gaayanth Naji.

For Petitioner : Mr. A. Gouthaman

For Respondent : Mr. Govi Ganesan

ORDER

This Original Petition has been filed by the petitioner to grant custody



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of minor children to the petitioner and to appoint her as a guardian of the minor children.

2. According to the petitioner, her marriage was solemnized with the respondent as per Hindu Rites and Customs on 15.02.2007 and was registered in India. Originally the petitioner is a Singapore citizen. Out of wedlock, there are three children to the petitioner and the respondent namely (1) Dathathreya, (2) Tihami Tarekant and 3) Gaayanth Naji. After marriage, there was matrimonial dispute between the husband and wife. After marriage, the respondent resided at Singapore for his work purpose. From 2011, the respondent has not taken care of the petitioner and their children. From 2017, the petitioner and her children are residing in India at Neelankarai. The petitioner is struggling and surviving with the support of her parents. The petitioner came to know that the respondent had filed H.M.O.P. No.100 of 2018 before the Sub Court, Chengalpattu for divorce. No proper notice was served to the petitioner in the said H.M.O.P petition. The said divorce petition was allowed on the ground of 'desertion' and dismissed the petition

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on the ground of 'adultery'. Both the petitioner and the respondent have not preferred any appeal as against the said order. For the welfare of the children, the petitioner needs custody and guardianship of the children. She has no other adverse interest over the children. The respondent has also given his consent to grant guardianship to the petitioner and to allow this petition in favour of the petitioner. The respondent has also filed a memo in this regard. Therefore, the petitioner has filed this petition to grant custody and to appoint her as guardian of the minor children.

3. The case was posted for examination of witnesses. On the side of the petitioner, PW1 was examined and Ex.P.1 was marked. On the side of respondent, the respondent was examined as RW1.

4. This Court also perused the evidence and the entire records.

5. As per the evidence of PW1, she has narrated the petition averments.

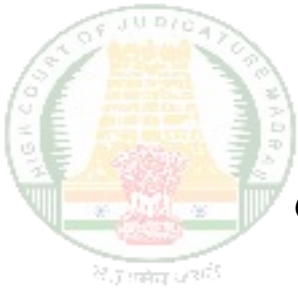


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The petitioner has produced the copy of her Aadhar Card, birth certificates of her minor children and the copy of the divorce order passed in H.M.O.P.

No.100 of 2018 on the file of the Principal Subordinate Judge, Chengalpattu.

On a perusal of the evidences and documents, it is clear that the petitioner and the respondent are husband and wife and they are the parents of three children and there was some matrimonial dispute between the parties and the parties have now got separated. The children are currently residing with the petitioner in Singapore from their birth. The petitioner requested that for the well-being of the children, she has to be appointed as a 'Guardian' and custody of the children is also to be given to the petitioner. There is no any adverse interest for the petitioner against her minor children. The respondent also, in his evidence, deposed that he has no objection to allow this petition in favour of the petitioner. Therefore, in the interest of minor children, this petition has to be allowed.



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6. In view of the above discussions, this **original petition is allowed**

on the following terms:

- 1. The petitioner is appointed as 'Guardian' of the person of the minors namely (i) Minor Dathathreya Thilakeswaran, (ii) Minor Tihami Tarekant and (iii) Minor Gaayanth Naji.**
- 2. The custody of the minor children is also given to the petitioner.**

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Index : Yes/No

Speaking Order : Yes/No

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APPENDIX:

List of Petitioner side Witnesses:

PW₁: Mrs. S. Sangeetha Senu

List of Petitioner side Documents:

Ex.P.1 dated 05.03.2021

Certified xerox copy of the order in H.M.O.P. No.100 of 2018 passed by the Principal Subordinate Judge, Chengalpattu.

List of Respondent side Witness:

RW1 : Mr. Thilakeswaran

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