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A.No.2601 of.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 20.08.2025	PRONOUNCED ON 26.08.2025
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CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A.No.2601 of 2025

in

O.P.No.147 of 2024

Sriharyni Prabhakar

... Applicant/Petitioner

vs.

R.Dinesh Kumar

... Respondent/Respondent

For Applicant : Mr.M.K.Kabir Sr., counsel for
Ms.K.Sumathi

For Respondent : Mr.A.K.Sriram Sr., counsel for
M/s.A.S.Kailasam and Associates

ORDER

This Application had been filed to pass appropriate directions for referring the children, Harsha Devakaran and Dushyant Devakaran, aged 13 and 9 years respectively to psychological counselling by a child psychologist taking into consideration their emotional and mental well being.



2. Heard Mr.M.K.Kabir learned Senior counsel appearing for Ms.K.Sumathi, learned counsel appearing for the petitioner and Mr.A.K.Sriram learned Senior counsel appearing for the respondent.

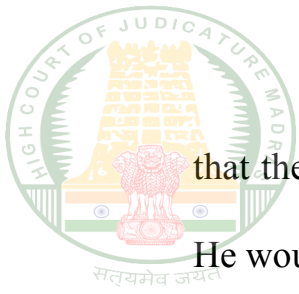
3. The learned Senior counsel appearing for the applicant/mother would submit that the respondent herein who was asked to take care of the children, when she was away from India had without the permission of the applicant brought the children to Chennai and also admitted them in the school. Till such time, the children were in the custody of the applicant for almost 18 months after the respondent left Bangalore to Chennai. After taking the child to Chennai, the attitude of the respondent changed from co-parenting and has been trying to exclude the applicant from parenting the child by keeping away them from her, which forced her to come to this Court by filing this instant Original Petition.

4. The learned Senior counsel appearing for the applicant would submit that pursuant to the orders passed by this Court, when she had the custody of the children, the behaviour of the children was very arrogant, which would reflect the parental alienation instilled by the respondent in them. Referring to



an incident during custody, where the younger son had broken the mobile phone of the applicant, he would submit that the children who were well mannered and well behaved, had changed their behaviour being in custody with the respondent. Hence, he would seek appropriate directions to refer the minor children to psychological counselling by a child psychologist for their better emotional and mental well being. Therefore, he prays this Court to allow this application as prayed for.

5. Countering his arguments, Mr.A.K.Sriram, learned Senior counsel appearing for the respondent at the outset would submit that such a request was orally made before the Division Bench in an Intra Court Appeal filed against the orders of this Court granting visitation to the applicant. The said request had been specifically denied by the Division Bench and hence, the present application ought not to be entertained. Further, he would submit that the minor children do not have any inclination to meet the mother or be with her for her verbal abuse of the children. He would further submit that the minor children has an apprehension that they may be threatened by the applicant. He would contend that the children behaviour after the visitation rights that was granted by this Court in May 2025 had drastically changed and



that they have never so aggressively or unruly behaved in the past two years .

He would reiterate the counter filed by the respondent that the younger son had been constantly crying and seems to have gone into a deep depression and after his return from the stay with the applicant. Such behaviour was also there during the year 2023 for which the children have also been treated. He would further submit that the wishes of the minor children have also to be considered by this Court. Hence, he prays this Court to dismiss the application as it only traumatizes the children for her.

6.I have considered the submissions made by the learned Senior counsels appearing on either side and perused the materials placed on record.

7.It is the claim of the applicant that she had experienced arrogant and unruly behaviour during the visitation of the minor children as ordered by this Court. On the other hand, it is the claim of the respondent that only after the visitation that was granted by this Court such behaviour has been exhibited by the children and that it is because of the behaviour of the applicant with the children during the visitation. A perusal of the counter filed by the respondent in reply to the averments made in the application in paragraph 13 would



indicate that all is not well. For better appreciation the relevant paragraph 13 is extracted hereunder:-

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13. I submit that the averments in paragraphs 10 to 17 of the affidavit narrate a convoluted version of the events that occurred during the visitation granted to the Applicant in May 2025. I submit that the children have never behaved in an aggressive or unruly manner over the past 2 years and they have been very respectful towards family and friends. I submit that the behaviour exhibited by both my sons during this vacation, shocked me especially since my younger son was constantly crying and he seemed to have gone into a deep depression when he returned home in between his stay with the applicant. I submit that the children appeared stressed and traumatized after their vacation and they have been deeply disturbed by the fact that they were forced to go and stay with the applicant in her house, against their will and despite the fact that they were apprehensive about unsupervised visitation. I submit that both the children have experienced the mood swings and the erratic actions of the applicant, due to which they fear having to stay alone with her and the CCTV cameras were projected to have been only intended to make the children feel punished for having voiced their concerns before this Hon'ble Court. It is pertinent to note that both my sons have been counseled by Dr.Arun at



WEB COPY

A.No.2601 of.



Agam Anxiety Wellness Clinic, from the end of June 2023, as they were exhibiting symptoms of fear and anxiety due to the aggressive behavior of the applicant and every time they become composed and comfortable with their routine, the applicant's actions disturb them again and this vicious cycle has been continuing for the past 2 years.

8.From the various allegations made in the affidavit filed in support of the application and the counter affidavit would also suggest that both the applicant and the respondent also have emotional imbalance. The oral observations relied upon by the learned Senior counsel for the respondent cannot be a criteria that there could be taken into consideration in the present case, as the prayer herein is being supported by an affidavit filed by the applicant which also seems to be affirmed by the counter affidavit filed by the respondent, particularly in paragraph 13 extract supra above.

9.For the aforesaid reasons, this Court is of the view that it is the time by also taking into consideration the age of the children to have them counseled by a child psychologist. One other reason is that even the respondent is able to succeed in retaining the custody of the minor child even then the applicant/mother would be granted visitation rights and such right in the



A.No.2601 of.



applicant/mother cannot be denied by this Court.

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10. In fine, the Application is allowed and the minor children Harsha Devakaran and Dushyant Devakaran are directed to be taken to ***Dr. Nappinnai Ph.D., Consultant Psychologist, Psyhub Brain and Behaviour Clinic, Anna Nagar East, Chennai,*** child psychologist for counselling for their better emotional and mental well being. That apart, the applicant and the respondent are also advised to approach a Psychologist to counsel themselves. The cost of the counseling shall be shared by both the applicant and the respondent. However, there shall be no order as to costs.

26.08.2025

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K.KUMARESH BABU.J.,

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Pre-Delivery Order in
A.No.2601 of 2025
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