



C.M.A.No.2346 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HON'BLE Mr. JUSTICE R. SURESH KUMAR  
AND  
THE HON'BLE Dr. JUSTICE A.D.MARIA CLETE

C.M.A.No.2346 of 2023

Ziyavudeen

.. Appellant

Vs.

Fathima Begum

.. Respondent

Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act, 1988, against the fair and decreetal order dated 23.03.2023, passed by the Judge, Family Court, Villupuram, in G.O.P.No.75 of 2022.

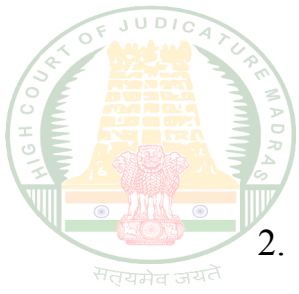
For Appellant : Mr.C.Prabakaran  
for Mr.Thirumavalavan

For Respondent : Mr.T.K.Saravanan

**J U D G M E N T**

(Delivered by R. SURESH KUMAR, J.)

This Civil Miscellaneous Appeal has been directed against the order dated 23.03.2023 passed by the Family Court, Villupuram, in G.O.P.No.75 of 2022.



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2. The appellant/father of the child had filed the said G.O.P. seeking appointment of him as guardian to his female child *viz.*, Jaayisha, who is currently 4 years old. The trial Court, having gone through the evidence, rejected the plea made by the appellant, as against which, this appeal has been directed.

3. Heard Mr.C.Prabakaran, learned counsel appearing for the appellant and Mr.T.K.Saravanan, learned counsel appearing for the respondent *i.e.*, the mother of the child.

4. The trial Court, though refused the appointment of guardianship of the appellant, has granted visitation right to the appellant for visiting the child twice a month and each visit will have the duration of one hour only, that is the main grievance of the appellant.

5. We have heard the learned counsel appearing for the appellant, who submitted that the appellant wants at least four such visits during weekend holidays from morning to evening and that would be sufficient for the appellant. However, Mr.T.K.Saravanan, learned counsel appearing for the respondent submitted that since the appellant is working, it may be highly



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difficult for him to look after the child every weekend and therefore, at the

maximum of three such visits can be permitted.

6. We have taken into account the said submission made by the learned counsel appearing for both sides. Considering the aforesaid aspect, we do feel that at least three visits can be granted to the appellant and each of such visit shall be on the weekends and holidays chosen by both sides and during such visits, the child shall be with her father from 10.00 a.m. to 05.00 p.m. and after 05.00 p.m., strictly, the child to be returned to her mother. Apart from the said visits, on the day of Ramzan and Bakrid, the child will be with her father *i.e.*, from 10.00 a.m. to 02.00 p.m. This arrangement shall continue until further arrangement is made, pursuant to any such proceedings to be initiated in future or till attainment of the majority of the child. In addition, the appellant has to pay the school fees for the child, who is going to be admitted in the Upper Kinder Garten during the academic year 2025-2026.

With the above modification, this Civil Miscellaneous Appeal is disposed of. No costs.

[R.S.K.,J.] [A.D.M.C., J.]  
21.03.2025

Index : Yes / No

Neutral Citation : Yes/No

**Issue order copy by 24.03.2025**

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R. SURESH KUMAR, J.  
AND  
A.D.MARIA CLETE, J.

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To  
The Family Court  
Villupuram

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21.03.2025