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A.Nos.5651 & 5652 of 2024 in O.P.No.686 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

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THE HONOURABLE Mr. JUSTICE K.KUMARESH BABU

A.Nos.5651 and 5652 of 2024

IN

O.P.No.686 of 2024

G.Vasu

.. Applicant in both applications

Vs.

Visalakshi

.. Respondent in both applications

Prayer in A.No.5651 of 2024 : Judges Summons filed under Order XIV Rule 8 of High Court O.S.Rules read with Section 12 of the Guardian and Wards Act, 1890, to grant interim custody of the applicant's daughter namely "Sivani" aged about 9 years, who is now under the custody of the respondent for two months *i.e.*, July and August of every year to the applicant.

Prayer in A.No.5652 of 2024 : Judges Summons filed under Order XIV Rule 8 of High Court O.S.Rules read with Section 12 of the Guardian and Wards Act, 1890, to grant interim visitation of the applicant's daughter namely "Sivani" aged about 9 years, who is now under the custody of the respondent during applicant's every arrival to India, for two days a week between 9 a.m. and 6 p.m.



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For Applicant : Ms.Kanimozhi Mathi
in both applications

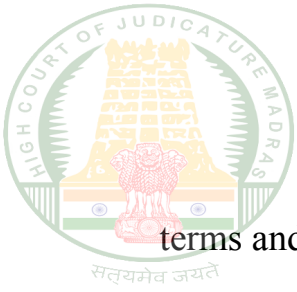
For Respondent : No appearance
in both applications

COMMON ORDER

The respondent/mother had been served by substituted service and her name has also been printed in the causelist. No appearance on the side of the respondent either through counsel or in person. Hence, she has been called absent and set *ex parte*.

2. Heard the learned counsel for the applicant/father. The learned counsel for the applicant would submit that the minor child was born on 26.10.2015 and that after the birth of the child, the respondent did not permit the applicant to even see the child. He has also been complying with the compromise that was entered into with the respondent in M.C.No.475 of 2018, in which, permanent custody of the child was also given to the respondent. Right of visitation was also given to the applicant on Saturdays and Sundays between 10.00 a.m. and 06.00 p.m., whenever the applicant is in India, with the facility of video conferencing up to 30 minutes twice a month on Sundays.

3. The learned counsel would further submit that the respondent violated the



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terms and conditions, by denying the visitation rights that were agreed between the

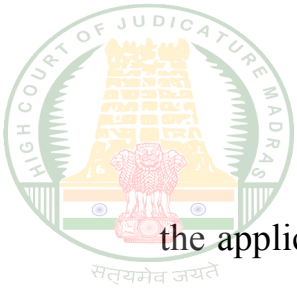
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parties. She would further reiterate that the applicant has been paying the agreed maintenance amount. The applicant being the biological father of the child is entitled for the visitation of the minor child and therefore, he seeks interim custody of the child as prayed for in both the applications.

4. The parties have also entered into a compromise on various terms, including the right of visitation of the applicant/father. The applicant/father is admittedly working in abroad and has a right to visit the child on two days during weekends, whenever he is in India, as agreed to between the parties.

5. In such view of the matter, I do not find any impediment in granting visitation rights as sought by the applicant during two days a week between 09.00 a.m. and 06.00 p.m.

6. However, the claim of the applicant for having interim custody of the child during the months of July and August every year, in the considered opinion of this Court, cannot be granted as it would affect the education of the child, since



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the applicant stays in Tiruvannamalai and the respondent, who has the custody of the child stays in Chennai.

7. In the result, A.No.5652 of 2024 is ordered as prayed for and the applicant shall have the custody of the child from 09.00 a.m. to 06.00 p.m. on Saturdays and Sundays, whenever he visits India. A.No.5651 of 2024, for the reasons stated *supra*, stands rejected.

8. In addition to the visitation rights ordered, the applicant shall also have video conferencing with the minor child on alternate Sundays for 30 minutes. The respondent is directed to provide the details of the platform for such video conferencing to the applicant.

17.04.2025

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K.KUMARESH BABU., J.
gva

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