



WEB COPY



A. No.3749 of 2025

in

O.P. No.407 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

A. No.3749 of 2025

in

O.P. No.407 of 2025

Harinishree D/o. N. Sathyamoorthy

... Applicant / Petitioner

Vs.

T. Jaganathan S/o. M. Thirumeninathan

... Respondent / Respondent

PRAYER: This application has been filed under Order XIV Rule 8 of Original Side Rules read with Section 12 of the Guardians and Wards Act, 1890 praying to direct the respondent to return and grant interim custody of the minor child H.J. Thiruvalléeswaran to the applicant forthwith and consequently restrain the respondent from interfering with the peaceful custody of the minor child H.J. Thiruvalléeswaran by the applicant pending disposal of the above Original Petition.

Page No.1 of 6



WEB COPY



A. No.3749 of 2025
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For Petitioner : Mr. J. Saravanavel

For Respondent : Mr. S. Arivazhagan

ORDER

Today when the matter was taken up for hearing, the learned counsel appearing for the applicant would submit that the applicant being the mother of the child had not seen the child for a long period. Therefore, she may be permitted to have custody of the child atleast during the vacation period and she is ready to go to Madurai and stay at Madurai during the vacation period. Therefore, interim custody of the child may be granted to the applicant.

2. The learned counsel appearing for the respondent would strongly oppose to grant interim custody of the child to the applicant on the ground that the applicant is undergoing treatment and the child is very comfortable with his father and now the applicant has suddenly come and sought for the



A. No.3749 of 2025

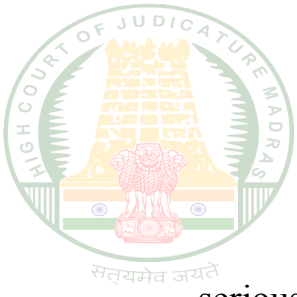
in

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custody of the child. If the custody of the child is given to the applicant, it will affect the mind of the child. Therefore, strongly opposed to grant interim custody of the child to the applicant.

3. This Court heard both sides and perused the records.

4. It is an admitted fact that the child, aged about 5 years, is under the care and custody of the respondent and taking treatment of speech therapy. But now the applicant filed the main petition for the relief of custody of the minor child and for appointment of guardian. Considering the age of the child, the applicant is the mother of the minor child and the facts and circumstances of the case, it is appropriate to grant interim custody of the minor child to the mother for few days. The applicant is also ready to go to Madurai and stay there at **Hotel North Gate, 23, Pattaraikara Street, Goripalayapam, Madurai City, Madurai-625 002.** Though the respondent



A. No.3749 of 2025

in

O.P. No.407 of 2025

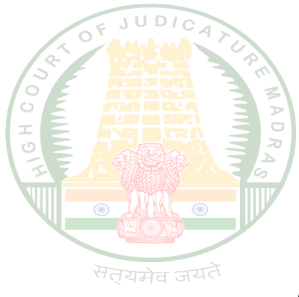
seriously objected, this Court is inclined to grant interim custody of the child

to the applicant.

5. In view of the same, this application is **allowed on the following terms:**

(i) The respondent is directed to handover the minor child namely H.J. Thiruvalluvar to the custody of the applicant on 27.09.2025 at 10.00 a.m. at Hotel North Gate as mentioned above and take back the child on 01.10.2025 at 6.00 p.m.

(ii) During the said period, both the applicant and the respondent can take the child for treatment and thereafter the child is to be with the mother in the above said address. If the child is not comfortable with the mother during night hours, then the child has to be handed over to the respondent father during night hours. The applicant can take back his child in the day time.



WEB COPY



A. No.3749 of 2025
in
O.P. No.407 of 2025

6. Post the matter on **14.10.2025**.

25.09.2025

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NOTE: Issue on **26.09.2025**.

P.DHANABAL.,J

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WEB COPY



A. No.3749 of 2025
in
O.P. No.407 of 2025

A. No.3749 of 2025
in
O.P. No.407 of 2025

25.09.2025