



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.No.3771 of 2025

Manisha

... Petitioner

Vs.

D.Dwarakesh

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order made in I.A.No.1 of 2025 in G.W.O.P.No.3371 of 2024 dated 14.03.2025 on the file of the I Additional Principal Family Court, Chennai.

For Petitioner : Ms.P.Srividhya

ORDER

Heard Ms.P.Srividhya, learned counsel appearing for the petitioner.

2. The petitioner is the mother of the minor child, namely, Krish Dwarakesh, who is aged about 4 years. Admittedly, the child is in the custody of the father. The wife has filed an application for interim custody,



seeking custody of the minor son during weekends. The learned I Additional Family Judge, Chennai, vide order dated 14.03.2025, has partly allowed the said application and directed the mother to have the interim custody of the child between 09.00 a.m. and 06.00 p.m. only on Saturdays as against the prayer sought for by the mother.

3. Ms.P.Srividhya, learned counsel appearing for the petitioner took me through the order passed by the learned I Additional Principal Family Judge, Chennai, where the learned Judge has categorically found that the child has been tutored to speak ill against the mother, and has discounted the statement that the child has made about her mother, while ordering the interim custody on Saturdays between 09.00 a.m. and 06.00 p.m.

4. It is also brought to my notice that spouses are living two streets away from each other. Moreover, from April 2025 onwards, the interim custody granted by the Family Court is also being complied with by the respondent/father.



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5. In the light of the above, even according to the learned Judge, for the initial few visits, the Court was of the opinion that the custody right shall be limited to a particular day. However, now that the child is having regular interaction with the mother close to six months and in view of the fact that since the minor son is aged about 4 years, certainly he needs the love of the mother, I am inclined to modify the order passed by the learned I Additional Principal Family Judge, Chennai, granting interim custody from 09.00 a.m., on Saturday to 06.00 p.m, on Sunday.

6. Despite service of notice, the respondent has also not chosen to appear either in person or through counsel to oppose the revision seeking modification of the visitation rights.

7. In the light of the above, this Civil Revision Petition is allowed. The order dated 14.03.2025 passed in I.A.No.1 of 2025 in G.W.O.P.No.3371 of 2024 stands modified, granting interim custody of the minor child, namely, Krish Dwarakesh, to the mother/petitioner herein, between 09.00 a.m on Saturday and 06.00 p.m. on Sunday, every weekend.



G.W.O.P.No.3371 of 2024 shall be disposed of on merits and in accordance with law on or before 31.01.2026. This order shall come into effect from the next weekend. There shall be no order as to costs.

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Speaking Order/Non-speaking Order
Index : Yes / No
Neutral Citation : Yes/No

ssb

Note: Issue order copy on **26.08.2025**.

To
The I Additional Principal Family Court, Chennai.



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P.B. BALAJI,J.

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