

Application No. 4267 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Application No. 4267 of 2025

in

O.P.No. 188 of 2025

1.Khadhar Beevi
2.M.A.Amanullah Khan

....Applicants

Versus

A.Aashifa Begum

...Respondent

Prayer: This Application has been filed to permit the applicants/petitioners grandparents to have unsupervised and exclusive interim custody of the minor child, namely, A.Nuha Aalima, for the birthday celebration from 04.09.2025 to 05.09.2025.

For Applicants : Mr.G.Anandaraj
For Respondent : Mr.H.Manojin



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ORDER

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This application has been filed by the petitioners grandparents to have unsupervised and exclusive interim custody of the minor child, namely, A.Nuha Aalima, for the birthday celebration from 04.09.2025 to 05.09.2025.

2. The learned Counsel appearing for the petitioners would submit that the petitioners have filed main O.P.188 of 2023 for grant of permanent custody and appointing the petitioners as Guardianship for the minor child, namely, A.Nuha Aalima, who was born on 03.09.2021. The petitioners are the paternal grandparents of the minor child. The son of the petitioners died on 21.10.2022. Thereafter, due to some misunderstanding between the petitioners and the respondent, the custody of the minor child was entrusted with the respondent.

3. Earlier, the custody of the minor child was under the petitioners and thereafter, the custody of the minor child was given to the respondent. While so, the respondent did not allow the petitioners to visit the minor child, thereby, the petitioners filed so many applications before

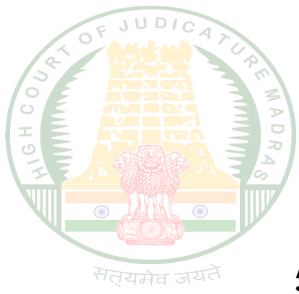


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this Court. A Division Bench of this Court in O.S.A.No.108 of 2023 has passed appropriate orders permitting the petitioners to visit the minor child at the Child Care Centre attached to the Family Court, Chennai, on 1st Saturday of every month between 2.00 pm to 6.00 pm. While so, the petitioners on the eve of birthday celebration of the minor child want to have the minor child for two days from 04.09.2025 to 05.09.2025. Therefore, the petitioners filed this application.

4. The learned Counsel appearing for the respondent would submit that as per the Division Bench order of this Court, the petitioners obtained an order of visitation rights. Now, they want to custody of the minor child to celebrate his birthday. In fact, there is no birthday celebration in the family of the parties and it is intended only to harass the respondent. Hence, the petitioners filed this petition. As per the Division Bench order of this Court, 1st Saturday of this month falling on 06.09.2025. Therefore, the petitioners can very well celebrate the birthday function on 06.09.2025. Therefore, the learned Counsel strongly objected to allow this petition.



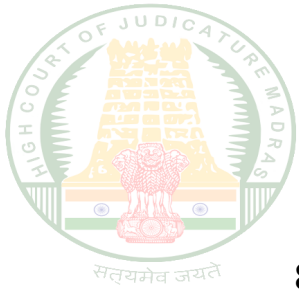
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5. Heard both sides and perused the records.

6. There is no dispute that already the visitation rights was given to the petitioners and as per the Division Bench order of this Court, visitation rights to the petitioners was given on every 1st Saturday of the English calender month and the order of the Court also being complied by both the parties. Now, the petitioners want to celebrate the birthday of the minor child and thereby prayed to permit the petitioners to take the minor child to the residence of the petitioners for two days.

7. The learned Counsel appearing for the respondent strongly opposed to send the minor child to the residence of the petitioners and the date of birth of the minor child is on 03.09.2025, but the petitioners want to celebrate the birthday function on 04.09.2025 and 05.09.2025. Since the 1st Saturday of the September, 2025 is falling on 06.09.2025 and the birthday of the minor child is 03.09.2025, it is appropriate to permit the petitioners to visit the minor child on the eve of birthday of the minor child.



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8. Therefore, considering the facts and circumstances of the case and in order to get blessing of the paternal grandparents the respondent is directed to produce the minor child tomorrow i.e. on 03.09.2025 in front of the Trade Centre, Mylapore, at 4.00 p.m., to the custody of the petitioners. The petitioners can have the custody of the minor child till 6.00 pm., and thereafter, the petitioners have to hand over the minor child to the custody of the respondent.

9. With the aforesaid observations and directions, this application is disposed of. There shall be no order as to costs.

02-09-2025

MSM

Note: Order copy issue today.



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