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A Nos.4895, 4896 and 489
2025 in O.P. No.519 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

A Nos.4895, 4896 and 4897 of 2025

in

OP NO. 519 OF 2025

Mahesh Balakrishnan
S/o. Balakrishnan, No.3603, Tower
Anchorage, Hiranandani Apartment,
Egattur, Chengalpattu 600 130.

Applicant(s) common in all applications

Vs

Vineeta Vijaykumar
D/o. VijayKumar Periasamy, No.3203,
Amalfi, House of Hiranandani, 5/63
Old Mahabalipuram Road, Egattur,
Chengalpattu 600 130.

Respondent(s) common in all applications

PRAYER IN A. No.4895 of 2025: This application has been filed under Order

XIV Rule 8 of Original Side Rules read with Section 12 of the Guardians and Wards Act praying to grant the applicant / petitioner, the interim custody of the minor children Shreya Mahesh, born on 05.01.2014 and Aditya mahesh, born on 22.10.2016, aged about 11 and 8 years respectively from 24.12.2025 and extends until 4th January 2026 for the Christmas holidays, pending disposal of the original petition.

PRAYER IN A. No.4896 of 2025: This application has been filed under Order

XIV Rule 8 of Original Side Rules read with Section 12 of the Guardians and Wards Act praying to pass an order of interim custody of the minor children



Shreya Mahesh, born on 05.01.2014 and Aditya mahesh, born on 22.10.2016, aged about 11 and 8 years respectively to the applicant / petitioner pending disposal of the original petition.

PRAYER IN A. No.4897 of 2025: This application has been filed under Order XIV Rule 8 of Original Side Rules read with Section 12 of the Guardians and Wards Act praying to pass an interim custody of minor children Shreya Mahesh, born on 05.01.2014 and Aditya mahesh, born on 22.10.2016, aged about 11 and 8 years respectively from 5 p.m. on every Friday evening to 8 a.m. on Monday morning pending disposal of the original petition.

For Applicant(s): M/S.K. Sumathi

For Respondent: Mr. J.CHANDRAN SUNDAR
SASHIKUMAR

COMMON ORDER

The application in A. No.4895 of 2025 has been filed for interim custody of the minor children namely Shreya Mahesh, born on 05.01.2014 and Aditya mahesh, born on 22.10.2016, aged about 11 and 8 years respectively from 24.12.2025 and extends until 4th January 2026 for the Christmas holidays, pending disposal of the original petition.

(ii) The application in A. No.4896 of 2025 has been filed for interim custody of the minor children namely Shreya Mahesh, born on 05.01.2014 and Aditya mahesh, born on 22.10.2016, aged about 11 and 8 years respectively to the applicant / petitioner pending disposal of the original petition.



(iii) The application in A. No.4897 of 2025 has been filed for interim custody of the minor children namely Shreya Mahesh, born on 05.01.2014 and Aditya mahesh, born on 22.10.2016, aged about 11 and 8 years respectively from 5 p.m. on every Friday evening to 8 a.m. on Monday morning pending disposal of the original petition.

2. According to the applicant, he is the father of the minor children namely Shreya Mahesh, born on 05.01.2014 and Aditya mahesh, born on 22.10.2016 and he has filed the original petition for appointment of guardian for the minor children and for custody of the minor children. The marriage between the petitioner and the respondent was solemnised on 05.12.2011 as per the Hindu Rights and Customs and it was also registered on 05.12.2011. Out of wedlock, two children namely Shreya Mahesh and Aditya mahesh born on 05.01.2014 and 22.10.2016 respectively. Due to matrimonial dispute between the parties, they separated on 29.06.2025. The respondent lodged vexatious complaint as against the petitioner and his father with an intention to harass them. The petitioner has also filed a petition for divorce before the Family Court, Chennai and the respondent is not allowing the petitioner to have access with his children. Therefore, he has filed these applications. The Christmas holidays in the minor children's School are scheduled to commence from 24.12.2025 till 04.01.2026, during the said period, the custody of the minor children has to be granted to the petitioner. The respondent has been attempting



to alienate the children from the petitioner and subjected them to undue emotional pressure and also imposed unreasonable restrictions by allowing access only in her presence and supervision, thereby negating the very purpose of parental bonding. Therefore, prayed to allow these applications.

3. The respondent has filed a counter affidavit denying the averments of the petitioner. The respondent is the mother of the minor children and she is presently the primary caregiver of the children and they are residing under her care and protection. The petitioner voluntarily distanced himself in December 2024 and moved out of the matrimonial home in June 2025. The petitioner was planning exit from the marriage from 2023 onwards. The petitioner was roaming around with other women. The petitioner wants to take care of father, but has audacity to leave the home where children live and desert the family unit. The petitioner was roaming with another lady and the same was noticed by her son Aditya and the petitioner and his father installed Surveillance web camera in the house without consent of the respondent, which caused severe emotional harm to the respondent and the children. The petitioner can continue to come home and visit the children where the respondent is living. The children are currently living happily with the respondent and attending the School regularly, participating in extracurricular activities. Therefore, at this stage, the children need not be separated from their mother. Therefore, all the applications are liable to be dismissed.



4. Heard both sides and perused the entire materials available on record.

5. In this case, the petitioner is the father and the respondent is the mother. They have two children namely Shreya Mahesh, born on 05.01.2014 and Aditya mahesh, born on 22.10.2016, aged about 11 and 8 years respectively. Now, the children are under the care and custody of the respondent mother. The main petition has been filed for the guardianship and for custody of the minor children. Now these applications have been filed for interim custody. Already this Court granted an interim order dated 16.10.2025 in A. Nos.4895, 4897, 4898 and 4896 of 2025 and permitted the applicant father to visit his children on 18.10.2025 and again on the birthday of the second child namely Aditya Mahesh on 22.10.2025.

6. Thereafter, again vide A. No.4897 of 2025, passed an interim order on 03.11.2025 that *“applicant/ father is permitted to take both the minor children every Saturday at 9.00 a.m. and till 8.00 p.m., he can have the custody of the children as interim visitation rights and the above said arrangement shall be continued until further orders”*. Since the main original petition is pending and already visitation rights also granted to the appellant/ father, without recording the evidence, it may not be appropriate to order for interim custody of the minor children in favour of the petitioner. However, since the petitioner was already granted interim visitation rights, the same can be continued till the disposal of the main petition.



7. Therefore, the visitation rights granted to the applicant / father in A.
No.4897 of 2025 dated 03.11.2025 shall be continued till the disposal of the
main original petition.

8. With the above said observations and directions, these applications are
disposed of.

10-12-2025
[2/3]

mjs
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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P.DHANABAL J.

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