



OSA.No.255 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2025

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE C. KUMARAPPAN**

**OSA.No.255 of 2024
and
CMP.No.765 of 2025
and
CMP.No.29565 of 2024**

R.Hema

.. Appellant

VS

R.Arun

.. Respondent

Prayer : Appeal filed under Order XXXVI Rule 11 read with Clause 15 of the Letters Patent, against the order dated 16.12.2024 passed by this Court in A.No.6382 of 2024 in O.P.No.126 of 2023.

For Appellant : Mrs.Sangeetha Rajkumar

For Respondents : Mr.S.Chakkaravarthi

JUDGMENT

(Judgment of the Court was made by C.KUMARAPPAN,J.)

The instant OSA has been filed against the order of the learned single Judge dated 16.12.2024, wherein an interim custody was given to



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the respondent/father between 23.12.2024 at 10.00 a.m. to 26.12.2024 at

3.00 p.m.

2.We have heard Mrs.Sangeetha Rajkumar, learned counsel for the appellant and Mr.S.Chakkaravarthi, learned counsel for the respondent.

3.Learned counsel for the respondent would vehemently contend that inspite of the order of the learned single Judge granting interim custody of the child, by filing the present OSA, the effect of the order was scuttled and as a consequence, the zest and happiness of the child was reneged as the respondent/father had a plan for vacation with his child.

4.At this juncture, learned counsel for the appellant seeks leave of this Court to withdraw the instant OSA, for which the learned counsel for the respondent strongly objected and sought modification of the date for the interim custody. It is pertinent to mention that the period to which the interim custody given has lapsed. Therefore, nothing survives to adjudicate upon the impugned order.



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5. Further, the main OP for permanent custody is of the year 2023

and pending for more than a year. It is in this background, we do not want to go into the merits of the interim custody application, rather we deem it appropriate to request the learned single Judge to decide the main matter uninfluenced by any of the observations made by this Court.

6. Accordingly, this OSA is disposed. No costs. Connected miscellaneous petitions are closed.

[A.S.M., J] [C.K., J]
04.02.2025

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



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and
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