



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

**THE HONOURABLE MR JUSTICE P. VELMURUGAN
AND**

**THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN
THILAKAVADI**

OSA No.50 of 2026

AND

CMP Nos.5851, 5853 & 5855 of 2026

G.Navaneetha Kumar
S/o. R.Govarthanan
No.33, Block-1, Flat 4F
Ceebros Orchid Apartments
Velachery Main Road, Velachery
Chennai 600 042

Appellant

Vs

N.C.Pavithra
W/o. G.Navaneetha Kumar
No.14, Mullai Nagar 8th Street
Anna Nagar West, Anna Nagar
Chennai 600 040

Respondent

Memorandum of Grounds of Original Side Appeal under Order XXXVI, Rule 9 of the Original Side Rules read with Clause 15 of the Letters Patent, against the order dated 08.12.2025 passed in O.P.No.337 of 2024.

For Appellant: Ms.S.Thamizharasi

For Respondent: Mr.Ramesh Kumar Chopra



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JUDGMENT
(Judgment of the Court was made by P.Velmurugan J.)

This original side appeal is directed against the order passed by the learned single Judge in O.P.No.337 of 2024 dated 08.12.2025.

2. Heard the learned counsel for the appellant and perused the materials available on record.

3. It is not in dispute that the appellant/father and the respondent/mother are medical practitioners and in pursuance of the matrimonial relationship, they have been blessed with two children. The first male child, N.Chathvick is now aged 6 years and the second female child, N.Riahshi is now aged about 2 years. Both the children are being taken care of by the respondent/mother. The appellant has filed the present appeal aggrieved by the limited visitation rights granted to see his male child on every Sunday between 8.00 A.M. and 2.00 P.M. The learned counsel for the appellant vehemently contended that the respondent/mother is always busy in the clinic and not taking care of the children and the learned Judge has failed to consider the same and dismissed the petition citing a reason that no adverse remarks have been shown against the respondent/mother and on this score, the appeal has to be allowed. However, considering the fact that at the time of filing the petition, both the children were



aged below 5 years and unless any adverse remark is shown against the respondent/mother that she is acting against the interest and welfare of the children, the learned Judge has rightly dismissed the petition holding that the mother is competent enough to look after the children as guardian. Even though the appellant/father may be one of the natural guardians, this Court finds that the appellant/father has failed to prove that the mother is acting against the welfare of the minor children. Moreover, while considering a petition under the Guardian and Wards Act, the Court has to see that the welfare of the children is of paramount consideration. On a reading of the entire materials, this Court does not find any perversity in the order passed by the learned single Judge. Therefore, considering the facts and circumstances and also the age of the children, this Court is not inclined to interfere with the impugned order. Accordingly, the original side appeal fails and it is dismissed. Consequently, the connected CMPs are also dismissed. No order as to costs.

(P.VELMURUGAN J.) (K.GOVINDARAJAN THILAKAVADI J.)

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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**P.VELMURUGAN J.
AND
K.GOVINDARAJAN
THILAKAVADI J.**

SS

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