



WEB COPY



A No. 479 of 2026 in
O.P.No.54 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

**A No. 479 of 2026 in
O.P.No.54 of 2025**

R.Mani
S/o. Rathinam,
No.10, BajanaiKovil Street,
Goonipalayam,
uthukottai,
Tiruvalur District,

..Applicant(s)

Vs

Vinnarasi @ Mighty
W/o. M.Prabakar(Late),
D/o. K.K.Thomas,
No.164, I Block,
Mugappair West, Chennai,

..Respondent(s)

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 12 of the Guardians and Wards Act to pass an interim order directing the Respondent to hand over the interim custody of grandson of the petitioner, viz., Minor Nivin Magizh alias Theo on 18/02/2026, for the purpose of attending family function that is the first birthday celebration of grand daughter of the petitioner.

For Applicant(s): Mr.S.C. Pratheep Ashok Kumar

For Respondent(s): Mr.B.Manivannan



A No. 479 of 2026 in
O.P.No.54 of 2025

ORDER

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This application has been filed by the applicant to direct the respondent to handover the interim custody of the minor child, viz., Navin Magizh @ Theo on 18.02.2026 for the purpose of attending family function, i.e., birthday celebrations of the grand daughter of the applicant.

2. According to the applicant, he is the petitioner in the main Original Petition, which is filed for appointment of guardian and for custody of the child. The applicant is the grand father of the minor child and father-in-law of the respondent. The marriage between the respondent and applicant's elder son, namely, Prabakaran was solemnised on 29.10.2021 and due to the wed lock, minor child, viz., Navin Magizh @ Theo was born on 27.12.2022. Thereafter, on 31.08.2024, due to the matrimonial dispute between the applicant's elder son and the respondent, the applicant's elder son consumed poison and died on 03.09.2024. Now the child is under the custody of the respondent. Already, the applicant has filed the Main Original Petition for custody of the minor child and appointment of guardian. While so, the family of the applicant decided to celebrate the birthday of applicant's younger son's daughter Thanya Manojkumar, which is scheduled to be held on 18.02.2026, therefore, to attend that function, custody of the minor child can be granted to the applicant on 18.02.2026.



A No. 479 of 2026 in
O.P.No.54 of 2025

3. The learned counsel for the respondent denied the averments made in the affidavit and submitted that the child is only three years old and the respondent is now residing at Vellore, which is far away from the place of the applicant, therefore, it would not be in the interest of the minor child's health to make the child travel frequently. Further, the minor child is going to school and now the child has to be absent to the school and the respondent has to find someone to take the child to some unknown place on the working day. That apart, the minor child has to be brought from Vellore by the parents of the respondent on all alternate Saturday to the Family Court, Chennai and they cannot be compelled to accompany the child to this type of function and the presence of the minor child is not essential, therefore, prayed to dismiss the application.

4. Heard the learned counsel on either side and perused the documents placed on record.

5. It is an admitted fact that child is only aged about three years and the applicant is residing at Uthukottai and the child has to travel from Vellore to Chennai and then to Uthukottai and again the child has to travel the same distance and the entire travel distance is more than 200 Kms. Also, the minor child being three years old, cannot recognise the birthday functions. It is also



A No. 479 of 2026 in
O.P.No.54 of 2025

admitted fact that the minor child is residing with the respondent for the past two years and therefore, the request of the petitioner seeking presence of minor child for the event of birthday celebrations, is not acceptable. If the minor child is granted permission to attend the birthday celebrations, he has to travel for more than 200 Kms and it will cause disturbance to the child.

6. Considering all the above said aspects and the welfare of the minor child, it is not appropriate to consider the request of the applicant.

Accordingly, the application is dismissed.

16-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ssd



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A No. 479 of 2026 in
O.P.No.54 of 2025

P.DHANABAL, J.

ssd

**A No. 479 of 2026 in
O.P.no.54 of 2025**

16-02-2026