



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMP No. 2302 of 2025

in

CMA SR. No.5018 of 2025

Nirmal Surya

..Appellant(s)

Vs

Pavithra

..Respondent(s)

To condone the delay of 99 days in filing the CMA SR No.5018/2025.

For Appellant(s): Ms.S.Santhi

For Respondent(s): Not ready in notice

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

The petitioner in GWOP No.435 of 2023 aggrieved by an order dated 01.03.2024 of the Additional Family Court, Coimbatore, is before us filing this appeal, which is in SR stage.



2.GWOP No.435 of 2023 had been filed by the appellant under Sections 7, 8, 9 and 10 r/w 25 of the Guardians and Wards Act seeking permission to have permanent custody of the child Saanvi. The respondent is the wife. The respondent had been called absent before the trial Court. But however, the learned trial Judge had framed points for determination and had examined all the surrounding issues. Finally, the following order had been passed:

“In the result, this petition is allowed in part to the extent of granting visitation right only by permitting petitioner/husband to meet his daughter Saanvi during the 1st and 3rd Sunday of every month between 10.00 a.m to 1.00 p.m at any public place in Coimbatore namely Brook Fields Mall, Fun Mall, Prozone Mall or VOC Park at Coimbatore and the place may be decided by the parties well in advance and informed through their counsels.

ii).That the respondent/mother of the child is permitted to remain with the child and the petitioner should not do anything harmful to the child and he shall not take anybody with him during the said visit and he should not do anything harmful to the child.

iii).The parties are at liberty to approach this Court for any modification of this order if the same is required. No costs.”



3. Questioning that particular direction, an appeal had been filed with delay of 99 days.

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4. In the petition seeking to condone the delay, notice had been directed. The learned counsel for the petitioner contends that steps had been taken and the respondent had refused to receive the notice.

5. But however, a perusal of the order shows that the trial Court had granted liberty to the appellant herein to approach the trial Court in case of any modification. This also includes to approach the Court in case there is violation of the order granting permission to have visitation rights. The appeal itself is superfluous. We would grant necessary liberty to the appellant to approach the trial Court for any appropriate order. In view of that finding, we hold that the delay petition itself is also superfluous and the same stands dismissed. The Appeal also stands rejected in SR stage itself, again reiterating the right of the appellant to approach the trial Court for any appropriate relief.

(C.V.K.,J.) (K.R.S.,J.)
16-04-2026

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



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

smv

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