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O.A. No. 367 of 2025
A. Nos.1870 and 1871 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

**O.A. No. 367 of 2025,
A Nos.1870 of 2025 and 1871 OF 2025
in OP No. 210 OF 2025**

1. Srinath Gopal Krishna
S/o.Shanmugam Gopal Krishna, Plot
No.252, Road No.78, New Central
Bank of India, Jubilee Hills, Hyderabad
- 500 033.

Applicant(s) [common in
all applications]

Vs

Priyanka Srinath
W/o.Mr.Srinath Gopal Krishna, 93/2,
Ground Floor, Golden Grove
Apartments, Anna Nagar, Chennai - 600
040.

Respondent(s) [common
in all applications]

OA No. 367 of 2025

PRAYER: The Original Application has been filed under Order XIV Rule 8 of Original Side Rules read with Order XXXIX Rule 1 of Code of Civil Procedure to pass an order of Interim Injunction restraining the Respondent or her men or agents or relatives from removing the minor children namely Surya Srinath, aged about 16 years and Sujay Shanmuga Srinath aged about 10 years, outside the jurisdiction of this Honble Court pending disposal of the main original petition.



A No. 1870 of 2025

PRAYER: The application has been filed under Order XIV Rule 8 of Original Side Rules read with Section 151 of Code of Civil Procedure praying to issue Direction to the Respondent to permit the minor children namely Surya Srinath, aged about 16 years, and Sujay Shanmuga Srinath, aged about 10 years, to interact with the Applicant/Petitioner over phone and other modes of telecommunication, including via Whatsapp, Skype, Text Messaging, Emails, without any restrictions/conditions whatsoever, pending disposal of the above original petition.

A No. 1871 of 2025

PRAYER: This application has been filed under Order XIV Rule 8 of Original Side Rules read with Section 12 of the Guardian and Wards Act praying to allow Visitation Rights of minor children namely Surya Srinath, aged about 16 years and Sujay Shanmuga Srinath, aged about 10 years, on every alternative week (Between 6 pm on Friday evening to 8 pm on Sunday evening) to the Applicant/Petitioner, pending disposal of the above original petition.

For Applicant(s): Ms. Geetha Ramaseshan for
M/s.Kishore Balasubramanian
[in all applications]

For Respondent (s): Mr. Om Prakash,
Senior Counsel
for Ms. D. Kamatchi



ORDER

The Original Application in ***O.A. No.367 of 2025*** has been filed to pass an order of interim injunction restraining the respondent or her men or agents or relatives from removing the minor children namely Surya Srinath, aged about 16 years and Sujay Shanmuga Srinath aged about 10 years, outside the jurisdiction of this Hon'ble Court pending disposal of the main original petition.

The application in ***A. No.1870 of 2025*** has been filed to issue Direction to the respondent permitting the minor children namely Surya Srinath, aged about 16 years, and Sujay Shanmuga Srinath, aged about 10 years, to interact with the Applicant/Petitioner over phone and other modes of telecommunication, including via Whatsapp, Skype, Text Messaging, Emails, without any restrictions/conditions whatsoever, pending disposal of the above original petition.

The application in ***A. No.1871 of 2025*** has been filed to allow Visitation Rights of minor children namely Surya Srinath, aged about 16 years and Sujay Shanmuga Srinath, aged about 10 years, on every alternative week (Between 6 pm on Friday evening to 8 pm on Sunday evening) to the Applicant/Petitioner, pending disposal of the above original petition.

2. The ***case of the applicant*** is that he is the father of the minor children namely Surya Srinath and Sujay Shanmuga and the respondent is the mother of said minor children. Due to family dispute, both the petitioner and the



respondent are residing separately. The petitioner is residing at Hyderabad and the respondent is residing at Chennai. Both the minor children are under the care and custody of the respondent mother. A case in F.C.O.P. No.348 of 2024 on the file of the VI Additional District and Sessions Judge-cum-Family Court Judge, Ranga Reddy District, Kukatpally seeking divorce is pending. The respondent has filed a petition before the Hon'ble Supreme Court seeking transfer of the said divorce petition in Tr. C.M.P. no.1050 of 2024. The respondent used to lodge complaints against the petitioner before the police stations concerned. The respondent is also denying the petitioner from visiting the children and the petitioner has all the facilities to bring up the children. The respondent is not a fit person to have custody of the children and therefore, he filed the main petition and during the pendency of the said petition, filed these applications.

3. The respondent has filed a **common counter** denying all the averments made in the affidavit filed along with the applications. In fact, the petitioner has only neglected the respondent and their children. The petitioner and his family members never treated the respondent and their children as their own and always kept them at a distance. The petitioner along with his family members ill-treated the respondent. The petitioner deserted the respondent and her children and moved away to stay with his family. The father of the petitioner also used to threaten the respondent in the presence of the children. Even in the



proceedings pending before the Family Court, no steps have been taken by the petitioner for custody of the children or visitation rights over the children. Now, the children are under the care and custody of the respondent. The children are not willing to see the petitioner. Now, the 1st child is aged 17 years old and studying in XII Standard in a reputed School at Anna Nagar and the 2nd child is aged 11 years old studying in the same School. There are no grounds to remove the custody of the children from the respondent. Therefore, these applications are liable to be dismissed.

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

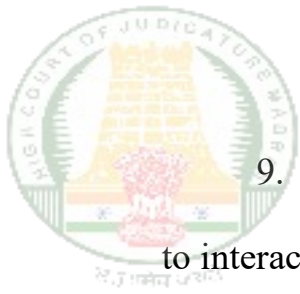
5. It is an admitted fact that due to matrimonial dispute, both the petitioner and the respondent are residing separately in different places and the children are under the care and custody of the respondent mother. Already the petitioner filed a petition for divorce and the same is pending. While pendency of the said petition, now the petitioner has filed the Original petition for appointing him as guardian and for granting sole custody of the children to the petitioner. Both the children are aged about 17 and 11 years respectively. Since the children are studying at Chennai in a reputed School, they are very comfortable with their mother and from the beginning, they are growing with their mother, at this stage, their custody need not be disturbed.



6. The petitioner has filed these applications to grant interim custody for every alternative week between 6 p.m. on Friday to 8 p.m. on Sunday and restraining the respondent to remove the minor children outside the jurisdiction of the Court till the disposal of the main petition and also to permit the petitioner to interact with the children over phone or any mode of telecommunication.

7. As far as interim custody is concerned, since both the minor children are school going children, if the custody is given to the petitioner, it will affect the education and future of the minor children. When the main prayer is with respect to the appointment of guardian and custody of the children, it is not appropriate to grant custody of the children to the petitioner. However, the petitioner can be granted visitation rights.

8. As far as the direction not to remove the children outside the jurisdiction is concerned, there is no cause of action for that application and the petitioner has never stated about the removal of children from the jurisdiction of this Court and without any cause of action, the above said relief cannot be granted and only on apprehension, the application has been filed. However, if the respondent wants to take the children to abroad, after intimation to the Court as well as to the petitioner, she can take them to abroad.



9. As far as the direction to the respondent to permit the minor children to interact with the petitioner over phone is concerned, the petitioner is at liberty to make phone call to the minor children and if they are willing to interact with the petitioner, he can interact with them and it is subject to the willingness of the minor children.

10. In view of the above said discussions, this Court is of the opinion that all the applications are liable to be disposed of. The applicant can be granted visitation rights during the pendency of the main original petition.

11. Accordingly, the respondent is directed to bring the minor children on the *1st Saturday of every English Calendar month at 10.30 a.m. at Child Care Centre attached to the Family Court, Chennai* and the petitioner can spend time with the children *till 1.30 p.m.* and thereafter, the respondent can take back the children with her custody.

12. With the above said observations and directions, all these applications are *disposed of*.

06-01-2026

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

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