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A.No.402
in OP No.418 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2026

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

**A No. 4024 of 2025
IN
OP NO. 418 OF 2025**

Dr.M. Shilpa
D/o.M.Manmathan, W/o. P.Ajay Eswar,
M.619, 24th cross Street, Thiruvalluvar
Nagar, Thiruvannmiyur, Chennai 600 041.

Applicant(s)

Vs

P. Ajay Eswar
S/o. A.Pazhanichamy, Flat No.909, Silver
Oaks Apartments, Camp road Junction,
Selaiyur, chennai 600 073.

Respondent(s)

For Applicant(s): M/S.R. Thiagarajan
Vasudha Thiagarajan
A.Raj Prince

For Respondent(s): Cn-service Awaited

ORDER

This application has been filed by the applicant to grant custody of the minor child namely, Atharvaa Eswar, in favour of the petitioner and to appoint the



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petitioner as guardian of the minor child.

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2. According to the applicant, the respondent is the husband of the petitioner. Through marriage, a son namely, Atharvaa Eswar was born on 29.04.2018 and now he is under the care and custody of the petitioner. Due to misunderstanding between the parties, the petitioner and the respondent were separated. Now the child is under the custody of the petitioner. Therefore, she has filed this petition to appoint her as guardian to the minor child and to grant permanent custody of the minor child.

3. The respondent filed counter and expressed no objection to grant custody of the minor child to the petitioner and to appoint the petitioner as guardian to the minor child. The para 7 & 8 of the counter is extracted hereunder :

“7. The respondent shall not retain any custody or control over the minor child Atharvaa Eswar and that the petitioner shall individually and independently take decision on the growth and well-being of the child. The petitioner shall individually decide on education, travel and other aspect of the child’s growth and development based on her avocation and future needs without the interference of the respondent. The petitioner shall sign all necessary documents, Passport and Visa process and other documents etc before any authority or forum as the parent and sole guardian and without reference of the respondent.

8. In view of the above, the respondent has no objection in allowing and ordering the present Original Petition in GWOP No.418 of 2025 and thus render justice.”



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4. In view of the aforesaid submission made by the respondent through counter and this Court also enquired the petitioner who appeared in person and the respondent appeared through video conferencing and the respondent has no objection to allow this application. He also stated that since he is working in United Kingdom has no objection to grant custody to the petitioner.

5. In view of the above said reasons and no objection made by the respondent, this Application is allowed. The petitioner is appointed as guardian for the person and property of the minor child Atharvaa Eswar and custody of the minor child also with the petitioner and that custody need not be disturbed by the respondent and the petitioner have custody of the minor child till his attaining age of the majority.

6. With the above said directions, this Application is allowed.

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P.DHANABAL, J.

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