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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

A No. 3887 of 2026 in O.P.No.398 of 2026

Maduraa
D/o. S.Devandan,
No.19/6,
Hussain Maistry Street,
Royapuram, Chennai 600 013.

..Applicant(s)

Vs

Hari Prashanth Elangovan
S/o. Elangovan,
No.9, NSR Road,
Crompet,
Chennai 600 044.
Also having office at,
1 Warren Close, Southampton,
England, SO 166BJ.

..Respondent(s)

To grant interim custody of the minor female child, namely Kavya Shree.H., aged about 9 years to the Applicant/Petitioner pending disposal of the G.W.O.P.

For Applicant(s): Ms.N.Jayashree

For Respondent(s): Mr.V.Chandrakanthan

ORDER

The application has been filed for interim custody of the minor female child Kavya Shree, aged about 9 years, who is presently in the custody of the respondent/father.

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2. Learned counsel for the applicant/mother states that the original petition has been filed for permanent custody and pleadings are complete. However, she would state that the respondent is not actually taking care of the interest and welfare of the minor and he has left the child in the custody of his parents.

3. These allegations are on paper and will have to be proved during trial. In any event, it is brought to my notice by the learned counsel for the respondent/father that the dispute between the husband and wife is pending before the Family Court and as early as in 2024, in and by orders of the Family Court dated 28.02.2024, the custody has been given to the respondent/father.

4. In fact, I am able to see from the order dated 28.02.2024 in HMOP No.352 of 2023 that the parties have amicably dissolved their marriage under Section 13(B) of Hindu Marriage Act, 1955 and in the said order, the petitioner has given up her right for custody, excepting for retaining visitation rights as indicated in paragraph 5 of the said order.

5. Having given consent for custody being with the respondent/father, the petitioner has to make out strong circumstances for being entitled to custody. In

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any event, at this interlocutory stage, I do not find it appropriate to grant interim custody pending main original petition, especially when permanent custody was vested with the respondent/father by consent as early on 28.02.2024.

6. As regards the apprehension of the petitioner/mother that the respondent/father is trying to remove the child from the jurisdiction of this Hon'ble Court and go and settle down in United Kingdom.

7. Learned counsel for the respondent contends that the allegations are false and the petitioner is exercising her visitation rights as provided under the consent order till date. He also states that the child will not be removed outside the jurisdiction of the Courts in Tamil Nadu.

8. Application No.3887 of 2026 is dismised.

9. Post the Original Petition before the Master on 02.12.2026.

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P.B.BALAJI, J.

SR

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