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CRP Nos. 3382 & 3387 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP Nos. 3382 & 3387 of 2025
and CMP.Nos. 18536 & 18537 of 2025**

S.Arul Prashath
S/o.Saminathan, No.3/34, Govinda Gounder
Thottam, Athikaripatti,Udayapatti Village and
Post, Salem - 636 140, Currently residing at B111
SBIOA UNITY ENCLAV, Mambakkam, Chennai
- 600 127.

..Petitioner(s) in both
CPRs.

Vs

P.Sathya
W//o.Arun prasath, D/o.Panneer Selvam, Residing
at No.9/211, Sathirathukadu,Cuddalore, Main
Road, Udaiyapatti Village and Post, Salem Tk.,
Salem - 636 140, old address 3/34 Govinda
Gounder Thottam, Athikaripatti, Udayapatti,
Salem.

..Respondent(s) in both
CPRs.

PRAYER in CRP.No.3382 of 2025:Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order and decretal order dated 14-10-2024 made in IA.No.08 of 2024 in GWOP.No.440 of 2023 on the file of the Family Court, Salem.

PRAYER in CRP.No.3387 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the docket order dated 17-10-2025 made in IA.No.10 of 2025 in IA.No. 08/2023 in GWOP.No.440 of 2023 on the file of the Family Court, Salem.



For Petitioner(s):

MR.WILLSON TOPAQ
M/s.A.S.KAILASAM AND ASSOCIATES

For Respondent(s):

MR.T.MURUGAMANICKAM SENIOR
COUNSEL FOR MS.ZEENATH BEGUM**COMMON ORDER**

The present revisions have been filed challenging the interim orders passed in I.A. No. 8 of 2024 and I.A.No.10 of 2025, dated 14.10.2024 and 17.10.2025 respectively.

2. Before the trial Court, the respondent/mother had filed an application seeking interim custody of the minor daughter, who was aged about 3 ½ years at the relevant time. Considering the tender age of the child, the trial Court granted interim custody to the mother until the disposal of GWOP. No. 440 of 2023. Aggrieved by the said order, the father preferred a revision petition in C.R.P. No. 3387 of 2025. Subsequently, he also filed I.A.No. 10 of 2025 seeking review of the said order, which came to be dismissed. Aggrieved by the same, the present revisions have been filed.

3. The main contention of the revision petitioner/father is that the parties have been living separately for more than three years and that the child, who is now aged about six years, is not comfortable in the company of the mother.



According to him, the child is well-settled in his custody and, therefore, at the most, the mother may be granted visitation rights either once a week or twice a month. Hence, he has raised objections to grant interim custody to the mother.

4. Per contra, the learned counsel for the respondent/mother submitted that the mother is a B.E. graduate and she is fully capable of taking proper care of the child. It was further submitted that the child was forcibly taken away from the mother, and she has been deprived of the opportunity to see and care for her child. It was also contended that the mother is residing with her parents and she is in a position to take care of the child. Therefore, she sought custody of the child, at least during the summer vacation.

5. Considering the submissions made on either side, it is seen that GWOP. No. 440 of 2023 has been filed by the mother seeking guardianship, and the same is pending. In the said proceedings, she filed I.A. No. 8 of 2024 seeking interim custody of the child, when the child was aged about 3 ½ years. Taking note of the tender age of the child, the trial Court granted interim custody to the mother till the disposal of the original petition, while permitting the father to have visitation rights on the second and fourth Sundays. Though the said order was passed on 14.10.2024, the proceedings have been prolonged. The child is now aged about six years old and the delay cannot be attributed to the respondent/mother. As a mother, she is entitled to take care of the child for



her welfare and development. The allegation made against the mother regarding mental instability has not been substantiated.

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6. It is also brought to the notice of this Court that HMOP. No. 290 of 2023 filed for divorce is pending before the trial Court. In view of the above facts and circumstances, this Court is of the opinion that the mother is entitled to have custody of the child, at least for a limited period.

7. Accordingly, the revision petitioner is directed to handover the custody of the child to the respondent/mother on 02.05.2026. The child shall remain in the care and custody of the mother for a period of 15 days. Thereafter, the mother shall handover the child to the father on 17.05.2026. While handing over the child, the revision petitioner shall not cause any annoyance to the respondent. The father shall drop the child at the residence of the mother and shall take back the custody of the child from her residence on 17.05.2026. During the said period, the father is permitted to interact with the child through video calls. He shall not tutor or influence the child against the mother or the maternal grandparents.



8. In the result, these civil revision petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

17-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MPA

To

1. The Family Court, Salem.

2. The Section Officer, V.R.Section, High Court, Madras.



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T.V.THAMILSELVI, J.

MPA

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