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OP No. 40 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 40 of 2024

AND

A Nos. 496 & 498 OF 2024

Abhishek Modi
S/o.Naresh Modi,
30C/22, The Residence,
Unit A, ABM Avenue,
Boat Club, Chennai 600 028.

..Petitioner(s)

Vs

Amrita Anna Thomas
W/o.Abhishek Modi,
D/o.Thomas Ranjit Jacob Kunnankeril,
207, New 93, Old 2C, Kadavil Manor,
TTK Road, (Behind Ethiraj Kalyana Mandapam),
Alwarpet, Chennai 600 018.

..Respondent(s)

PRAYER: This petition has been filed seeking to grant the petitioner permanent custody of his minor son Ayaan born on 22.11.2017.

For Petitioner(s): Ms.S.P.Arthi

For Respondent(s): Mr.A.K.Sriram for M/s. A.S.Kailasam and Associates

ORDER

The learned counsel on either side submitted that the matter has been resolved between the parties and a Joint Memorandum of Compromise dated



18.02.2026 duly signed by the parties and attested by their respective counsel,
has been filed.

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2. When the matter is taken up for hearing today, both the parties have appeared through Video Conferencing and submitted that they have no objection to pass orders based on the Joint Memorandum of Compromise dated 18.02.2026. The Joint Memorandum of Compromise reads as under:

"It is submitted as follows:

The Petitioner and the Respondent above named most respectfully submit as follows:

1. The Petitioner filed the above Original Petition seeking permanent custody of the minor child Master Ayaan Modi (born on 22.11.2017).

2. The parties have since amicably settled all disputes between them, including the present custody petition, through mediation conducted under the aegis of the Tamil Nadu Mediation and Conciliation Centre in D.V.C. No. 18 of 2025, filed by the Respondent, before the XVIII Metropolitan Magistrate Court, Saidapet, Chennai.

3. In pursuance of the said settlement, the parties have filed a petition for dissolution of marriage by mutual consent under Section 28 of the Special Marriage Act, 1954 before the III Additional Principal Family Court at Chennai in O.P. No. 335 of 2026, wherein the complete



terms of settlement have been set out.

4. The parties have agreed that the present O.P. No. 40 of 2024 shall be disposed of by a consent order/decreed in terms of the settlement recorded in the said mutual consent divorce petition, without any modification or alteration whatsoever to the terms and conditions relating to the minor child.

5. As part of the overall compromise ensuring the welfare and financial security of the minor child, the parties confirm that the one-time full and final settlement of Rs. 4,00,00,000/- (Rupees Four Crores Only) payable by the Petitioner, in O.P. No. 335 of 2026, pending before the III Additional Principal Family Court at Chennai, to the Respondent, encompasses and fully satisfies all claims towards the welfare, maintenance, education, health, upbringing, and any other needs of the minor child Ayaan Modi, in addition to the Respondent's own claims. Both parties agree that upon such payment, there shall be no further financial obligations or claims by or on behalf of the minor child against the Petitioner or his assets, past, present, or future, under any head whatsoever. This arrangement is accepted by the parties as being in the best interest of the minor child.

6. The parties therefore place on record the terms and conditions as regards the minor child as agreed upon and recorded in the mutual consent divorce petition:



Custody and Guardianship

The minor child Ayaan Modi shall remain in the full and exclusive legal and physical custody and guardianship of the Respondent (2nd Petitioner in the divorce petition). The Petitioner (1st Petitioner in the divorce petition) shall not claim custody of the minor child in the future. The Respondent shall have complete authority to make all decisions relating to the child's education, residence, travel, welfare, health, upbringing and overall development. The Petitioner agrees that this arrangement is in the best interest of the child.

b) The Petitioner further agrees that the Respondent shall hold the right to be the signatory for all paperwork and documents relating to the minor child Ayaan Modi, in the capacity of sole nominee/guardian.

Visitation Rights

c) Visitation between the Petitioner and the minor child shall be supervised and limited to two (2) occasions per calendar month - specifically on the second Sunday (beginning of the month) and the fourth Sunday (end of the month).

d) The visits shall take place in a mutually agreed public location (preferably a restaurant or public space) to be selected either by the minor child or mutually agreed by the parties. The same venue shall not be repeated more than once in 2 months in a calendar year.

e) Each visitation shall be strictly limited to two (2) hours,



between 11:30 AM and 1:30 PM, intended as an early lunch meeting.

f) The minor child shall be accompanied and supervised by the Respondent's mother, Mrs. Bablu Mary Thomas. If she is unwell or unable to attend, the Respondent shall accompany and supervise. In the event both the Respondent and her mother are unavailable, the Respondent shall appoint a suitable supervising attendant.

g) The Petitioner expressly agrees not to request additional time beyond the agreed schedule. This arrangement shall remain in force until the minor child attains the age of 18 years, unless modified by written mutual consent.

h) The Petitioner's parents may accompany the Petitioner while visiting the minor child, as per the same schedule, after 3 months from the date of first motion of the divorce petition. Any such interaction shall not operate as a substitute for nor be treated as being in lieu of the scheduled visitation rights of the Petitioner. The Petitioner shall inform the Respondent at least 24 hours in advance if his parents intend to accompany him.

i) The visitation shall be a personal interaction between the Petitioner and the minor child and may include the presence of the Petitioner's parents only when the Petitioner is accompanying the minor child. The visitation shall not involve the presence of any other third parties, unless otherwise agreed.

j) The Petitioner shall be free to click pictures of the minor



child during such visitations. The Petitioner or his parents shall refrain from any video recording or voice recording during the visitation.

Cancellation / Rescheduling

k) The Petitioner agrees that if the minor child is unwell or travelling, he shall not insist upon visitation. In such circumstances, the scheduled visit shall stand cancelled. However, the Respondent must ensure that the Petitioner, in all, enjoys at least 12 visitations with the minor child per The Respondent shall, as far as possible, inform the Petitioner of any cancellation at least 2 days in advance.

1) Visitation may be rescheduled only if the minor child has a prior academic, extracurricular, medical, family or essential commitment that cannot reasonably be altered. Any request for rescheduling shall be communicated respectfully in writing and must be mutually agreed. The parties shall finalize the confirmed venue at least two (2) days in advance unless it is an unforeseen emergency.

Weekly Phone/Video Call

m) The Petitioner may have one phone or video call with the minor child, Ayaan Modi, every Tuesday at 7:15 p.m., with the duration being guided by the minor child's comfort. All calls shall be made solely to the Respondent's phone and shall not be audio or video-recorded in any manner.

n) If the minor child or the Respondent is unavailable at the scheduled time, the call may be rescheduled strictly based



on the minor child's convenience and availability within the same calendar week. If, over time, the scheduled day or time becomes unsuitable for the minor child owing to academic, extracurricular or personal routine, the weekly call may be shifted to another mutually agreed day and time, based entirely on the minor child's convenience, and the revised schedule shall be communicated in email.

o) The parties shall ensure that there are no less than 24 video calls between the Petitioner and the minor child per calendar year.

Behaviour during Visitation

p) During visitation, all concerned shall behave appropriately and respectfully. No one shall engage in emotional manipulation, coercion, distressing discussion, harassment, intimidation or any conduct that may negatively impact the minor child's wellbeing. At any point, if the child expresses a desire to leave the visitation, the same shall be respected. All visitation shall be in accordance with the comfort and convenience of the child.

Restrictions

q) The Petitioner shall not visit the residence of the Respondent under any circumstances. Likewise, the Respondent shall not visit the residence of the Petitioner.

r) The Petitioner and his family agree not to contact the minor child Ayaan outside the scheduled supervised visitation and phone/video calls, unless permitted in writing by the Respondent.



Deletion of Video

s) Both parties agree and undertake to delete, destroy and never use, display or share the video record of the incident of December 2012 (as filed by the Respondent in the present O.P. No. 40 of 2024), stored by her in any form, mode, device including mobile phones, laptops, computers, hard drives, thumb drives, pen drives, cloud storage, e-mail accounts, social media accounts, or any other digital or physical storage medium.

Non-Interference

t) The parties jointly assure that they will not interfere in each other's future or remarried life in any manner. They further undertake not to make any allegations against one another through themselves or through friends, relatives, agents, representatives or any other person. They further agree not to interfere in each other's private life, including dissemination of photographs, information or videos through any platform.

7. The parties confirm that the above terms are the exact terms recorded in change, addition, deletion or modification whatsoever. the mutual consent divorce petition and have been reproduced without any

The parties humbly pray that this Hon'ble Court may be pleased to record this Joint Memo of Compromise and pass appropriate orders and thus render justice.

Dated at Chennai on this the 18h day of February 2026''.



3. The said Joint Memorandum of Compromise dated 18.02.2026 is recorded.

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4. This original petition stand disposed of in terms of the Joint Memorandum of Compromise dated 18.02.2026 and the said Joint Memorandum of Compromise shall form part of the decree. No costs. Consequently, connected A. Nos. 496 & 498 of 2024 are closed.

24-02-2026

Neutral Citation: Yes/No

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P.DHANABAL J.

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