



CRP No. 4805 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4805 of 2025

AND

CMP NO. 24251 OF 2025

1. R.Vinoth Kumar
S/o. Raman, D.No.1/145, Kothanur,
Perumampatti, Salem - 63607

Petitioner(s)

Vs

1. S.Sathyapriya
W/o. R. Vinothkumar, D/o.
Shanmugam, D.No.21/3-1-16,
Kullagoundanur, Karupur, Salem -
636012.

Respondent(s)

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PRAYER

To set aside the fair and decreetal orders passed in I.A.No.2 of 2025 in H.M.O.P. No.415 of 2025 dated 12.08.2025 passed by the learned Judge, Family Court, Salem.

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For Petitioner(s): Dr. K. SANTHAKUMARI G.
Kameshwari S. Anisha

For Respondent(s): S.SATHYAPRIYA W/o. R.
Vinothkumar - SOLE
RESPONDENT PRIVATE
NOTICE ----- AOS
NOT FILED SR
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Affidavit , OTHERSIDE NEEDS
TO BE SERVED. HENCE
RETURNED. m/s.s.a.secular
k.sivasamy FOR SOLE
RESPONDENT

ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and decreetal orders passed in I.A.No.2 of 2025 in H.M.O.P. No.415 of 2025 dated 12.08.2025 passed by the learned Judge, Family Court, Salem.

2. The petitioner, being the father of the minor child, Sathana, filed I.A. No. 2 of 2025 in H.M.O.P. No. 415 of 2025 before the Family Court, Salem, under Section 26 of the Hindu Marriage Act, seeking interim custody of the child for the purpose of ensuring her education, security, and overall welfare. The said application was dismissed by the Family Court after hearing both parties. Aggrieved by the said order, the petitioner has filed the present Civil Revision Petition.

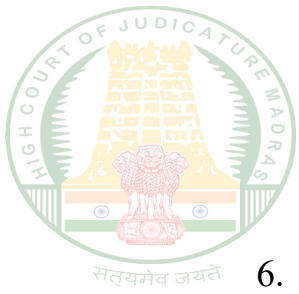
3. The petitioner and the respondent are husband and wife. Their marriage was solemnized on 16.09.2015, and out of the wedlock, a female child, Sathana, was born. The petitioner contends that the parties had known each other since their school days. According to him, the respondent had earlier married one Janagaraj and subsequently obtained a divorce. Thereafter, she was employed in a private hospital. The petitioner and the respondent later married and began residing together. The petitioner states that the minor child was admitted to The



Indian Public School, Erode, and that he had paid the entire school fees for the academic year 2025–2026. He further alleges that the respondent was living extravagantly by borrowing money and was in frequent contact with one Sasikumar. When questioned about the same, she allegedly left the matrimonial home along with the child. Though the petitioner remained willing to continue the marital relationship, he was compelled to file H.M.O.P. No. 415 of 2025 seeking restitution of conjugal rights. During the pendency of the said petition, he filed the present application seeking interim custody of the child.

4. The respondent opposed the application, contending that the petitioner had subjected her to threats and harassment. She further stated that the child is presently studying in SRV International School, Omalur, and that the welfare of the child requires her continued custody. According to the respondent, the child voluntarily expressed a desire to stay with her and has been under her care since 04.07.2025.

5. Considering the rival submissions, the Family Court held that the welfare of the child would be best served by allowing the child to remain with the mother. However, the petitioner was granted visitation rights on the first and third Sundays of every month between 10.00 a.m. and 1.00 p.m. Aggrieved by the same, the petitioner has preferred this Civil Revision Petition.

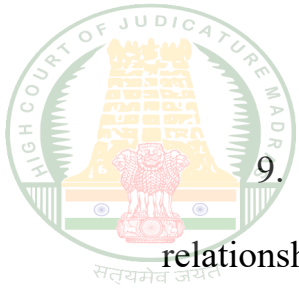


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6. The learned counsel for the petitioner submits that the Trial Court failed to consider the pleadings and materials placed on record. It is contended that the minor child had been under the care and custody of the petitioner from birth until 04.07.2025, except for a brief period between 14.03.2025 and the second week of May 2025.

7. It is further submitted that the child was studying in the reputed institution, The Indian Public School, Erode, and that the petitioner had paid the school fees for the first and second terms of the academic year 2025–2026. According to the petitioner, on 04.07.2025, the child was permitted to visit the respondent, who undertook to return the child the following day. However, the respondent retained custody of the child and failed to return her as promised.

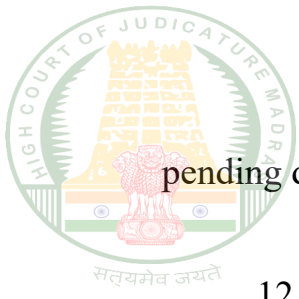
8. The learned counsel also submits that the Trial Court failed to appreciate that the child had continuously been under the petitioner's care and that her educational interests were being properly safeguarded. It is further alleged that the respondent had deserted the petitioner and was maintaining an improper relationship with one Sasikumar. On these grounds, the petitioner seeks interim custody of the child pending disposal of the H.M.O.P.



9. The respondent denies all allegations regarding any improper relationship with Sasikumar and contends that such allegations have been made solely to tarnish her reputation. She submits that she is the mother of the child, is capable of taking proper care of her, and that the welfare of the child requires that custody remain with her.

10. This Court has carefully considered the submissions made on either side and perused the materials available on record.

11. It is not in dispute that the child was studying at The Indian Public School, Erode, while residing with the petitioner. It is also not disputed that the petitioner had been taking care of the child and had made arrangements for her education in a reputed institution. The records further reveal that the petitioner has filed H.M.O.P. No. 415 of 2025 seeking restitution of conjugal rights and that the said proceedings are still pending. Significantly, the respondent has not expressed any willingness for reunion or filed any effective response indicating a desire to resume cohabitation. The paramount consideration in matters relating to child custody is the welfare of the child. The materials on record indicate that prior to 04.07.2025, the child had been predominantly under the custody and care of the petitioner. The petitioner has also demonstrated his commitment towards the child's education and welfare. In the circumstances of the case, and considering the welfare and educational interests of the child, this Court is of the view that interim custody should be entrusted to the petitioner/father



pending disposal of the main proceedings.

12. Accordingly, the Civil Revision Petition is allowed.

The respondent/mother is directed to hand over custody of the minor child, Sathana, to the petitioner/father within one week from the date of receipt of a copy of this order.

Upon taking custody, the petitioner shall ensure that the child is re-admitted and continues her studies at The Indian Public School, Erode, where she had been studying earlier.

The respondent/mother shall be entitled to visitation rights. She may meet the child on the first and third Sundays of every month between 1.00 p.m. and 4.00 p.m. at a mutually convenient public place. She shall also be permitted to visit the child at school, subject to the school regulations and without causing disruption to the child's education.

There shall be no order as to costs. Consequently, all connected miscellaneous petitions, if any, shall stand closed.

25.06.2026

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



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T.V.THAMILSELVI J.

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