



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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**THE HON'BLE MR.JUSTICE P.VELMURUGAN
AND
THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

OSA.No.72 of 2026
and
CMP No.8874 of 2026

Yashodha Manohara

..Appellant(s)

Vs

Ramprasad Balasubramanian

..Respondent(s)

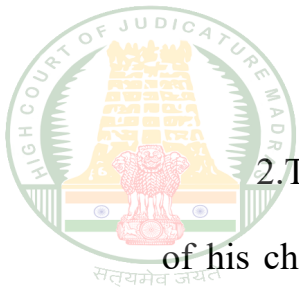
Prayer: Original Side Appeal filed under Section Order 36 Rule 1 of Original Side Rules r/w Clause 15 of the Letters Patent praying to set aside the order dated 07.07.2025 passed in O.P.No. 213 of 2024.

For Appellant(s): Mr.S.Mukunth, Senior Counsel
for Mr. Rajakumar.C

For Respondent(s): Mr. V.Chandrasekaran

Judgment
(Judgment of the Court was delivered by P.VELMURUGAN,J.)

The present appeal is filed against the order of the learned Single Judge passed in O.P.No.213 of 2024, dated 07.07.2025.



2. The respondent-husband filed the aforesaid petition seeking for custody of his child and the learned Single Judge, after hearing the matter, passed the following order:-

“The instant Original Petition had been filed under Section 25 of the Guardians and Wards Act, 1890 read with Order XXI Rule 2 and 3 of the Original Side Rules.

2. When the matter was taken up for hearing today, a memo dated 13.06.2025 had been filed by the petitioner indicating to this Court that he is willing to relinquish his right with regard to the permanent custody of the child provided he is given a visitation rights and had suggested various modes of visitation including his right to perform the rituals of the child.

3. The learned counsel for the respondent had filed a memo of objections dated 07.07.2025 and a perusal of the same would indicate that the respondent had oppose the various suggestions made by the petitioner as regards to his visitation.

4. The relationship between the petitioner and the respondent had been ended by way of ex-parte decree passed by the competent Family Court. The primary objection of the respondent is that the petitioner had till date failed to maintain his minor son and has also been in violation of the order of maintenance made in M.C.No.176 of 2023. It is also to be noted that if any order of



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maintenance had been passed and is being violated, the same could be redressed in the manner known to law. This Court also records the dissatisfaction for the petitioner in violating the order of maintenance as being the biological father, he is also responsible for the education of the child.

5. Even though the respondent strongly objected to the arrangement sought for by the petitioner, this Court considering the fact that the petitioner being the biological father would be entitled to have a visitation right over the child, even if the petition goes against him. In the present case, the petitioner wants to relinquish his right subject to him being granted visitation right of the child.

6. In such view of the matter, this Court is inclined to dispose of this Original Petition in view of the memo filed by the petitioner relinquishing his right over the permanent custody of the child. He shall be entitled to the following visitation rights :-

(i) the petitioner shall have the custody of the minor child from 09.00 a.m. to 06.00 p.m. on alternative Sunday. The respondent shall hand over the child to the petitioner at 09.00 a.m. and the petitioner shall hand over the child back to the respondent at 06.00 p.m. on the same day;

(ii) the petitioner would be entitled for 50% of the vacation both, viz., short and long vacations, declared by this Court. The petitioner shall have the access of the child during the birthdays of the child and would



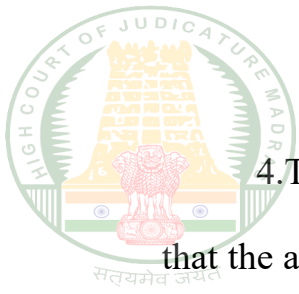
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be entitled to spend two hours of uninterrupted visitation over the child. The petitioner shall also be entitled to spend five hours during the major festivals;
(iii)the petitioner shall also be entitled to perform the Upanayanam of the child and shall intimate the respondent atleast 30 days in advance of such performance and would be entitled to have the custody of the child for the performance of the said function. The respondent shall bring the child one day in advance of the said function and take back the child one day after the completion of the rituals;
(iv)in the interest of the child, the petitioner is also permitted to participate in the parent-teacher meeting of the child and the respondent shall intimate the educational progress of the child to the petitioner;
(v)the petitioner, being the biological father of the child, shall also pay the school fees and other educational expenses incurred in respect of the child;

7. With the above terms, this Original Petition is disposed of. The respondent is at liberty to take necessary application for violation of any orders passed by the appropriate Court. No costs. Consequently, the connected application is closed.

3. Aggrieved over the aforesaid order, the appellant-wife had filed the present appeal.



4. The learned Senior Counsel appearing for the appellant would submit that the appellant had filed HMOP.No.700 of 2023 seeking for divorce from the respondent-husband. By an order dated 26.10.2023, the learned Additional Principal Family Judge, Coimbatore, had allowed the said petition. However, no order of maintenance was passed. Since the appellant had no means to raise the child, she had filed an application under Section 125 of Criminal Procedure Code seeking maintenance, which is pending. Subsequently, the respondent had filed an Original Petition before this Court seeking custody of his minor child, which came to be disposed of by the learned Single Judge with certain directions. Since the appellant is residing at Coimbatore and the respondent is residing at Chennai, the appellant is unable to travel from Coimbatore to hand over the child to the respondent and therefore, the learned Senior Counsel sought for modification of the order of the learned Single Judge.

5. The learned counsel for the respondent would submit that the respondent is ready and willing to go to Coimbatore and take the child and thus, he also seeks for modification of the conditions imposed in the Original Petition.

6. In view of the submissions made by the learned counsel on either side, the respondent-husband is granted liberty to travel to Coimbatore to visit his child and on such visitation, the appellant is directed to hand over the child to



the respondent. Both the parties shall comply with all other directions issued by the learned Single Judge in the Original Petition.

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7. With the aforesaid modification, the present Original Side Appeal is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(P.V.,J.) (K.G.T.,J.)
08-06-2026

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

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P.VELMURUGAN,J.
AND
K.GOVINDARAJAN THILAKAVADI,J.

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