



WEB COPY

O.P. No. 168 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

OP No. 168 of 2025

C.Dinesh Chandar S/o. M.Chandrasekaran,

..Petitioner(s)

Vs

Vishwa Vardhini D/o. Dheenana,

..Respondent(s)

PRAYER: The Original petition has been filed under Sections 3,7,8,9, 10 and 25 of the Guardians and Wards Act, 1890 read with Order XXI Rule 2 and 3 of Original Side Rules praying to appoint the petitioner as guardian of the person of the minor child Avvey Sringara Chetty, born on 27.04.2014.

For Petitioner(s): S.Shyam Kumar

For Respondent(s): Set exparte

ORDER

This petition has been filed under Sections 3, 7 to 10 and 25 of the Guardians and Wards Act, 1890 read with Order XXI Rule 2 and 3 of the Original Side Rules to appoint the petitioner as 'guardian' of the person of the minor child namely Avvey Sringara Chetty, born on 27.04.2014.



2. According to the petitioner, on 01.11.2009, marriage was solemnized between the petitioner and the respondent and initially, they lived in United Kingdom and due to wedlock, a female child namely Avvey Sringara Chetty was born on 27.04.2014. Due to strange attitude and behaviour of the respondent, the petitioner started to live separately from 11.01.2018. Thereafter, he preferred an application in H.M.O.P. No.2526 of 2021 before the III Additional Judge, Family Court at Chennai for divorce on the ground of 'cruelty' and the same was dismissed due to non-prosecution on 02.06.2023. Since there was no compromise arrived at between the parties, again, an application in HMOP No.1098 of 2024 was filed before the II Additional Family Court, Chennai under the mutual consent that the petitioner has to pay a sum of Rs.20 lakhs towards permanent alimony and the permanent custody of the child shall remain with the respondent. The above said original petition was decreed as prayed for. Though the petitioner has agreed that the permanent custody of the child shall remain with the respondent, he has not relinquished his rights with regard to the visitation rights and interim custody of the child, whenever he is in India.

2.1. As a natural guardian, the petitioner has every right to seek visitation rights and he wishes to spend time with his child. The amount of Rs.20 lakhs towards permanent alimony was also paid to the respondent. The petitioner is residing abroad for his employment and he visits India twice in a year and



during such visits, the petitioner wants to visit the child and further to visit the child through video conference every week either on Saturday or Sunday between 7 and 8 p.m.. After divorce, the petitioner had attempted several times to visit the child through video chats, but the respondent evaded the same deliberately, thereby denying the legal right of the petitioner to visit the child. As a biological father, the petitioner has every right to visit his child.

3. After filing of this petition, notice was issued to the respondent, but the same was returned as 'door locked'. Hence the name of the respondent was printed in the cause list. Even after that, the respondent did not appear before this Court. Thereafter, the matter was posted for examination of witnesses. On the side of the petitioner, PW1 was examined and Ex.P.1 and Ex.P.2 were marked.

4. This Court also perused the evidence and the entire records.

5. As per the evidence of PW1 and the documents Ex.P.1. and Ex.P.2, they revealed that the petitioner and the respondent are the husband and wife and they are the parents of the minor child namely Avvey Sringara Chetty. Due to marital disputes between the parties, they both separated and the marriage solemnized between them was dissolved through an order dated 26.04.2024 in H.M.O.P. No.1098 of 2024 on the file of the II Additional Principal Family



Judge, Chennai on mutual consent. An amount of Rs.20 lakhs was also paid to the respondent by the petitioner towards permanent alimony. The minor child is now under the care and custody of the respondent mother. The petitioner, being the father of the minor child, who is residing in abroad, requested to appoint him as guardian of the minor child and to grant visitation rights to spend some time with the child, whenever he comes to India and he has no any adverse interest against the minor child. Since the petitioner is the biological father of the child, already divorce was also granted to the parents of the minor child, permanent alimony of Rs.20 lakhs was also paid to the respondent mother, the petitioner cannot be curtailed to visit his child at least when he is in India. The petitioner submitted that during the months of June and December, when he visits India, he may be permitted to visit the child. The respondent did not appear before this Court and filed any objection. Therefore, the petitioner may be granted visitation rights and he has to inform his schedule of visit to India, to the respondent in advance. Thereafter, the respondent shall produce the child at E.A. Mall at Chennai on all Sundays.

6. With the above said observations, this original petition is **disposed of** on the following terms:

(i) The petitioner father shall give prior intimation to the respondent mother about his visit to India;



(ii) On such intimation by the petitioner father, he may visit the child at E.A. Mall, Chennai on every Sunday from 10 a.m. to 1 p.m. The respondent has to produce the child as stated above without fail.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MJS

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. C. Dinesh Chandar

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	-	Photocopy of Aadhar Card of Mr. Dinesh Chandar.
Ex.P.2	26.04.2024	Certified copy of the order passed in O.P. No.1098 of 2024 on the file of II Additional Principal Family Judge, Chennai.

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P.DHANABAL, J.

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