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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 03.11.2026	Pronounced on: 05.11.2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

A. No.4422 of 2026
in OP. No.544 of 2025

Dr. Jayaram,
S/o.Mr.Subramanian,
802. Mutawa Building,
A1 Ghuwair Street,
Sharjah Rolla - 64684
Rep. by his Power of Attorney Agent,
Mrs.Jayanthi C.R.,
W/o.Mr.Subramanian,
3B, Harmony Sangeetha,
D118, Alagrisamy Salai,
K.K.Nagar, Chennai - 600 078.

..Applicant(s)

Vs

Dr.Harini,
D/o.Ramachandran,
No.10/4, 49th Street,
Ashok Nagar, Chennai - 600 083. ... Respondent(s)

PRAYER: This Application is filed under Order XIV Rule 8 of Madras High Court Original Side Rules and read with Section 151 of CPC, to grant interim custody/parenting time of the minor child Jayakrishna Jayaram, aged about 7 years, to the Applicant on 07.11.2026, 08.11.2026, 14.11.2026 and 15.11.2026, from 10.00 am to 7.00 p.m on each day, with liberty to the Applicant to take the minor child out during the said period and with a direction to return the child to the respondent by 7.00 p.m on each day, on such dates as may be fixed by this Court.

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For Applicant(s): Mrs.D.Kamachi

For Respondent(s): Mrs.K.Sumathi

ORDER

The father of the minor child, Jayakrishna Jayaram, aged 7 years, has filed the instant application seeking interim custody of his minor son on 07.11.2026, 08.11.2026, 14.11.2026 and 15.11.2026 from 10.00 am to 7.00 pm. on all the above four days, undertaking to return the child to the respondent by 7.00 p.m. on each of the said days or as directed by this Court.

2. I have heard Mrs.D.Kamachi, learned counsel for the applicant/father, and Mrs.K.Sumathi, learned counsel for the respondent/mother.

3. Mrs.Kamachi, learned counsel for the applicant would state that the father is a resident of Abu Dhabi, UAE, where he is presently employed and whenever he comes down to Chennai, he has been given interim custody of his minor son and each of those interim visits have passed of smoothly, without any difficulty or problem whatsoever. She would further contend that the minor son is very affectionate towards his father and has been voluntarily and willingly going with the father during every visit, as directed by this Court. The applicant is now coming down to Chennai from Abu Dhabi, on 6th of this month and

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leaving India on 15.11.2026. Considering that the child is studying in second standard, the applicant seeks interim custody only on the holidays, namely 7th, 8th, 14th, and 15th of this month, between 10.00 a.m. and 7.00 p.m. The learned counsel further state that the Tamil Nadu Government has also declared 09.11.2026 as a public holiday and therefore, this Court may even consider granting interim custody on the 9th as well.

4. The learned counsel for the respondent/mother, would in principle agree that the applicant is entitled to have interim custody, as in the past, but however, would seriously object to the request for interim custody between 10.00 a.m and 7.00 p.m during the weekends (7th and 8th and 14th and 15th of November 2026). As regards the request for visitation on 09.11.2026, the learned counsel would contend that the child is studying in a CBSE school, and the school is yet to declare 9th November as a holiday and therefore, the same has to be factored while passing any orders in the said application, including granting of interim visitation request on 09.11.2026.

5. The learned counsel would further state that the respondent has serious objection for the parents of the applicant/father being permitted to interact with the minor child, during the period of interim custody being enjoyed by the applicant/father. It is her specific contention that the parents-in-

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law of the respondent are trying to poison the mind of the innocent child by speaking ill of the mother, and in fact when the child went to visit the father at his residence in Chennai, a video was taken, wherein the child was forced to state that he wanted only the father and not the mother. The learned counsel would therefore state that it is only because of this, the respondent is apprehensive of permitting the grandparents of the minor to have any kind of interaction during the period of interim visitation being exercised by the applicant/father.

6. As regards timing between 10.00 a.m and 7.00 p.m, the learned counsel would contend that the respondent is also a Doctor who is working in a Central Government Hospital and in view of her busy schedule, she has made specific and special arrangements with her employer, so that she gets to spend time with her minor son during the weekends. She would therefore state that it is only during the weekends that the mother gets to spend quality time with the minor son, and therefore the applicant should not be given such a long duration of visitation during the four holidays.

7. Mrs.K.Sumathi, learned counsel for the respondent would further state that on one of the earlier occasions, the applicant/father without even getting prior consent of this Court or informing the respondent, took the child outside

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the jurisdiction of this Court and she would therefore state that necessary safeguards in this regard have to be placed in the interest of the minor child.

8.As regards the request for interim custody on 09.11.2026, which has been declared as a public holiday by the State Government, Mrs.K.Sumathi, learned counsel for the respondent that the respondent's School is a CBSE school, it is not known whether 09.11.2026, is going to be declared as a holiday. and therefore, she would request for no directions being issued insofar as visitation on 09.11.2026.

9. I have carefully considered the submissions advance by the learned Counsel on either side.

10. In fact, during the summer vacation, I had an occasion to deal with the very same case, where a request was made by the father, for interim custody of the minor son for 9 days, commencing from 17.05.2026 and ending 25.05.2026. In fact, during vacation sitting, I heard the matter on 06.05.2026, and after considering the arguments advanced on either side, and also in view of the mother having already made travel arrangements to take the child on a holiday to Sikkim between 16.05.2026 and 23.05.2026, I had directed the father to have interim custody of the minor son on 24.05.2026 and 25.05.2026 from

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10.00 a.m to 6.00 p.m. It is not the case of the respondent/mother that the minor son is unwilling to go and spend time with the applicant/father. It is the case of the applicant/father that he is specifically coming down from Abu Dhabi, only to spend quality time with his minor son and therefore, the request for visitation rights between 10.00 a.m and 7.00 p.m on all four weekends as well as 09.11.2026, additionally is being made.

11. As regards the apprehensions of the respondent/mother that the child will be taken outside the jurisdiction of the Court and that the mind of the child is being prejudiced by the paternal grandparents is concerned, I have to bear in mind that the applicant/father is admittedly employed and presently residing in Abu Dhabi. Whenever he comes down to Chennai, he resides with his parents in K.K.Nagar and the Child is also studying in a popular school in K.K Nagar only. The respondent/mother is also a resident of Ashok Nagar, which is not very far away from K.K Nagar. Keeping all these factors in mind, the applicant/father cannot be asked to not take the child to his residence at K.K Nagar, where he resides, along with his parents, whenever he comes down to Chennai from Abu Dhabi. However, considering the specific allegation that during the exercise of visitation rights earlier, the child has informed the responded/mother that the grandparents have recorded a video that the child does not want the mother or does not like the mother, it is needless to state that

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the innocent child's mind should not be poisoned or prejudiced, either way, by both these spouses or their relatives. No doubt, the parties as husband and wife are fighting out a separate battle for dissolution of marriage/restitution of conjugal rights as the case may be. However, these personal tiff should not be allowed to affect the child's interest in any manner. The child needs both the father and the mother.

12. Considering that the applicant resides only with his parents at K.K.Nagar, whenever he comes home to Chennai, it is not practically possible to impose restrictions on the grandparents interacting with the minor son. It is suffice to caution that it is not in the interest and welfare of the minor son who is of a tender age of seven years, to be influenced by unnecessary comments and references to the respondent/mother. Any sort of attempt to create evidence for the matrimonial dispute, during the exercise of visitation rights cannot be acceptable evidence before the matrimonial Court. In any event, I make it clear that during the visitation rights and during the interim custody/visitation rights, neither the applicant nor his parents or his relatives should bring about any reference to the respondent/mother and try to prejudice the mind of the minor son. It is also made clear that the applicant, without the prior permission of this Court, shall not take the child outside the territorial jurisdiction of this Court.

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13. Coming to the dates and the timings, the applicant/father is admittedly flying all the way down from Abu Dhabi for the main purposes of spending quality time with his minor son. The minor is in the custody of the respondent mother 24 x 7, excepting the interim custody orders that have been passed directing the child to go with the Applicant/father. Therefore, I do not see any merit in the arguments of the respondent, Mrs.K.Sumathi, that since the respondent is also a Doctor, she gets to spend only the weekends with her minor son and therefore, 50% of the weekends namely 07.11.2026, 08.11.2026, 14.11.2026 and 15.11.2026, should alone be given to the father and the respondent should be allowed to enjoy the remaining 50% with her minor son.

14. The father admittedly has been quite often interacting with his minor son and even when he is in Abu Dhabi, he connects to the child through video calls. In other words, the child has been in regular contact with his father during holidays and also whenever the applicant/father comes down to Chennai, he has been permitted to have interim custody. Such interim custody rights have been exercised even in the summer vacation of 2026. Then I had an occasion to grant interim custody between 10.00 a.m. and 06.00 p.m on two days, viz., 24.05.2026 and 25.05.2026. In fact, in the subsequent vacation setting, another learned Judge of this Court by order dated 13.05.2026, even permitted interim custody on 26.05.2026 and 27.05.2026 with a rider that the child, during the

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period of interim custody of the applicant/father should not be taken for any medical or psychological examination. In the light of the above, when the child has been comfortable with the applicant/father and has spent long hours with the applicant/father, I do not see why the applicant/father who is coming down to India for only two weekends should be deprived of a longer period of interim custody. The argument that the respondent is also a Doctor and therefore she also has to be given 50% of the two weekends, viz., 7th and 8th of November and 14th and 15th of November, 2026 cannot be countenanced. The mother is having permanent custody of the minor and she gets to spend more time with the minor, not only during the weekends, but also weekdays and other holidays. Therefore, I am unable to accept the arguments of the learned counsel for the respondent that even on 7th and 8th of November and 14th and 15th of November, 2026, the respondent should be entitled to have custody for spending quality and effective time with the minor son.

15. Keeping in mind the earlier orders and the various circumstances that have been discussed herein above, I am inclined to allow the application for grant of interim visitation rights in the manner following:

(i) The applicant/father shall pick up the minor child on 07.11.2026 from the residence of the respondent at 10.00 a.m and shall drop back the child at

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5.00 pm. On 08.11.2026, being Deepavali, the applicant/father shall pick up the child at 08.00 a.m and drop back the child by 02.00 p.m. On 14.11.2026 and 15.11.2026, the applicant/father shall be entitled to pick up the child at 10.00 a.m and drop back the child at 5.00 pm.

(ii) In the event of 09.11.2026, a holiday being declared by the School in which the minor boy is studying, then the applicant shall be entitled to have interim custody between 10.00 a.m., and 04.00 p.m, considering that 10.11.2026, would be a regular school working day.

(iii) The child shall not be taken for any medical examination or psychological examination during the period of interim custody being enjoyed with the applicant/father.

(iv) The applicant father shall not take the child outside the territorial jurisdiction of the Court.

(v) The applicant/father shall ensure that his parents do no speak ill of the respondent/mother and advise them to avoid any references to respondent/mother and instead enjoy quality grand parenting time with their grandson. It is equally applies to the applicant/father also and no attempts to create evidence for different proceedings shall be made on the side of the applicant whatsoever.

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16. This Application is ***ordered*** with the above directions and post the matter on 20.11.2026 for further orders.

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Index: Yes/No
Speaking order/Non Speaking Order
Neutral Citation: Yes/No

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P.B.BALAJI J.

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Pre-delivery order in
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