



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA Nos. 530 & 533 of 2026

C.M.A.No.530/2026 :

1. Shanmugalatha
2. Swetha

..Appellant(s)

Vs

A. Nishanth Kumar

..Respondent(s)

CMA No. 533 of 2026 :

Shanmugalatha

..Appellant(s)

Vs

A. Nishanth Kumar

..Respondent(s)

CMA No. 530 of 2026 :

Prayer : To set aside the order dated 09.10.2025 passed in GWOP No.4341 of 2024 on the file of VI Additional Principal Judge, Family Court, Chennai.

CMA No. 533 of 2026 :

Prayer : To set aside the order dated 09.10.2025 passed in GWOP No.4340 of 2024 on the file of VI Additional Principal Judge, Family Court, Chennai.



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For Appellant(s): Mr.V.Saravanan
for Mr.S.Gunasekar

For Respondent(s): Mr.S.Mohan

Judgment

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

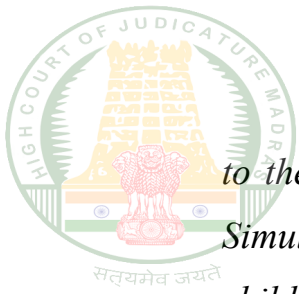
On 27.04.2026, the appellant and the respondent were present in the Court and we also had a discussion with them, pursuant to which the following order was passed :

“These appeals have been preferred against the common order in G.W.O.P.No. 4340 of 2024 and O.P.No. 4341 of 2024 dated 09.10.2025 on the file of the VI Additional Family Court at Chennai.

2. G.W.O.P.No. 4340 of 2024 has been filed by the maternal grandmother of the ward, who was born on 14.02.2022. Unfortunately, within a day of his birth, his mother died, leading to this litigation regarding his custody and guardianship. The maternal grandmother claims custody and guardianship against the rights of the father of the child.

3. O.P.No. 4341 of 2024 has been filed by the father of the child and he had impleaded not only the maternal grandmother but also the maternal aunt under whose joint custody the child is at present.

4. By the common order dated 09.10.2025 which had been pronounced after trial and after analysing the oral and documentary evidence adduced by the father and by the maternal grandmother, the VI Additional Family Court at Chennai, had directed the maternal grandmother / petitioner in G.W.O.P.No. 4340 of 2024 / first respondent in O.P.No. 4341 of 2024 to deliver the custody of the child



to the father within two weeks from the date of that particular order. Simultaneously, further directions were issued that in the interest of the child, the maternal grandmother may be permitted to visit the child whenever she requires. It was also stipulated that the father nor his family member should restrict the visit of the grandmother. The order is now under Appeal.

5. The child is today in the physical custody of the maternal grandmother and the maternal aunt in defiance of the directions of the VI Additional Family Court at Chennai.

6. We are informed that an Execution Petition has also been filed to put into effect this particular direction of the VI Additional Principal Family Court at Chennai.

7. We had an interaction with the maternal grandmother, with the maternal aunt, with the child, with the father and with the paternal grandparents.

8. In the interest of the child, it would only be appropriate that the child is also introduced gradually to the companionship of his father, which companionship has not been provided to him since he has been continuously under the custody of the maternal grandmother. There is an interim arrangement under which the father is visiting the house of the maternal grandmother for a period of three hours from 10.00 a.m., to 01.00 p.m., every Sunday.

9. We are of the opinion that this is not sufficient. In the advancement of his years, the companionship and guidance of the father is required for his own child / the boy, who has to view the world through his father and under the guidance of the father. There is also no dispute between the families. There are no allegations also against the father. The mother died in unfortunate circumstances owing to affliction of dengue within a day of the birth of the child. The maternal



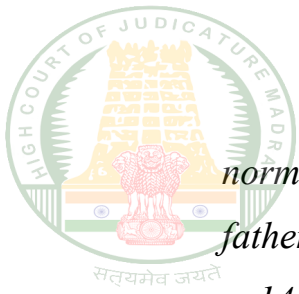
grandmother had been gracious enough to acknowledge that it is the father, who should be the guardian, but had stated that now the child is under her custody. She however acknowledges the rights of the father.

10. We appreciate this stand taken by the maternal grandmother. She stated that she is in custody of the child only temporarily. She stated that the custody of the child could continue till atleast he reaches five years.

11. Having noted her stand, we are of the view that at the end of five years, if the companionship of the father is suddenly introduced, it would physiologically affect the child and therefore, the companionship must be gradually increased and three hours a week is just not sufficient. The father must be permitted to interact more frequently with his own son. This is all the more required as the parties also understand the importance of the father in building a strong character for the child.

12. We would therefore impress upon the appellants herein to encourage the child to be with the father and his parents for a period of four days in a week and thereafter, the child may come back to the maternal grandmother and reside with them for three days. With this arrangement, the child would understand, who his family members are and he must have access to all the relations on the side of the father, just as now he is restricted to the relationship of the maternal grandmother. The child is very young, and at this age, exposing him to his father-s extended family and parents will allow him to get to know and appreciate them. He will also understand that they are part of his family and that he is part of theirs. This shared connection would be in the child-s best interest.

13. We are informed that the child has joined a play school at Adambakkam. It would only be the beginning of his education but in



normal circumstances, his education should be taken care only by the father, who has to act his guide and philosopher.

14. The maternal grandmother and the maternal aunt are only temporary relatives, who cannot play a larger role than the father.

15. We hope that the appellants herein would understand the significance of fostreing a healthy relationship in the minds of the child that he has to accept his father-s family than the appellants.

16. This arrangement shall commence from 29.04.2026 and every Thursday to Saturday, the child can be wtih the father and from every Monday to Wednesday, the child can be with the maternal grandmother. The father may collect the child on every Thursday morning and hand over the child to the maternal grandmother on every Monday evening.

17. This order is passed as an interim measure and we direct the parties to abide by the order.

18. Call the matter once again on 11.06.2026 about the effectiveness and the implementation of this order.”

2. Today, when the matter had been again heard, it was contended by the learned counsel for the appellant and the respondent that the child is slowly acclimatising himself with the father and the parents of the father. This is a healthy sign. The child also requires to be in touch with his maternal grandmother. Therefore, we would modify the above order in the following manner :

(i) The child shall be with the father from Monday to Saturday.

(ii) The child shall be with the maternal grandmother on Sunday.



(iii) If on any day the maternal grandmother wants to visit the child, she can always visit and interact with the child.

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3. We confirm the order of the Family Court that guardianship of the child shall be with the father/respondent herein. We have only made a minor modification with respect to the custody of the child in the aforesaid manner.

4. To make it clear, the permanent custody of the child is with the father and the above arrangements are to be abided by the parties. If any modification is required with regard to the arrangements, the parties are always at liberty to approach this Court.

5. Civil Miscellaneous Appeals are disposed of accordingly. No costs. Consequently, the connected C.M.P.Nos.6184 and 6186 of 2026 are closed.

(C.V.K.,J.) (K.R.S.,J.)
11-06-2026

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

DIXIT

To

- 1.VI Additional Principal Judge, Family Court, Chennai.
- 2.V.R.Section, High Court, Madras.



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CMA Nos.530 & 533 of 2



**C.V.KARTHIKEYAN J.
AND
K.RAJASEKAR J.**

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