



A No. 5872 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

A No. 5872 of 2025

in O.P.No.617 of 2025

V. Manikandan S/o. A.K.Vijayakumar.

..Applicant(s)

Vs

B. Gomathy

D/o. R.Balasubramania Sundaram,

..Respondent(s)

PRAYER: This application is filed under Order XIV Rule 8 of the Original Side Rules and Order XXXIX Rule 1 of the Code of Civil Procedure praying to grant an order of interim injunction restraining the respondent, her men, agents, servants or anybody acting on her behalf from disturbing the applicant/petitioner's custody of the minor child G.M.Lakshmi, born on 03.02.2017, aged about 8 years and from removing her from the jurisdiction



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of this Court, except by due process of law, pending disposal of the main Original Petition.

For Applicant(s): M/s.K.Sumathi
Vishnu Priya Ravichander
S.Balakumar
P.Balakumaran
Lordwin Bino. J

For Respondent(s): Mr.M.K.Yukanth

ORDER

This application is filed by the applicant/father to grant interim injunction restraining the respondent/mother from disturbing the custody of the minor child and from removing her from the jurisdiction of this Court, pending disposal of the main Original Petition.

2. According to the applicant, he is the father of the minor child, namely G.M.Lakshmi, and filed the main Original Petition for custody of the minor child. Already, the matter has been amicably settled between the parties before the Family Court, Chennai in H.M.O.P.No.3725 of 2021 as per the compromise memo and both parties agreed that the child would be with the mother and the father, though a right to have the child for staying weekly once and after the child being advocated from this Court, started virtually and



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residing with the petitioner/father. The respondent/mother started visiting the child once again in a week initially and substantially, she was re-located to Hyderabad in March 2025. Thereafter, she had not visited the child until My 2025. The petitioner/father is taking care of the minor child without the assistance of any servant-maid or care-taker. The respondent/mother has taken care of the child only on a single occasion, when the father became extremely unwell and she had to attend on that.

2.1. The child is now only 8 years old and the respondent/mother has shifted to Hyderabad and came back to Chennai, even though he did not opt to take the custody of the child at this stage. She was at Hyderabad for more than two years and at that time, she was only exercising her visitation rights. While so, on 12.11.2025, the respondent/mother informed that she had come down from Bangalore and she wanted to take the child with her and she would approach the School and ask for Transfer Certificate (i.e. TC), irrespective of the fact that it is the middle of the Academic Year. The petitioner/father also wrote a letter to the school authorities requesting them to give TC to the child on the request made by the respondent/mother. Therefore, the respondent/mother is disturbing the custody of the minor child and hence, this application is filed seeking for the prayer mentioned above.



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3. The other side filed counter affidavit by objecting all the averments made in the affidavit filed in support of the application/petition. The main contention of the applicant/father is that the respondent is trying to take the minor child to Bangalore, but she has no idea to take the child to Bangalore and only on the apprehension that this application is filed. In fact, the child was under the custody of the respondent/mother and thereafter, this Court passed an order and based on that order, the child is now under the custody of the respondent/mother. Therefore, this application has no merits and deserves to be dismissed.

4. This Court heard both sides and perused the materials available on record. After filing of the main Original Petition, the applicant/father has filed an application to restore the custody of the minor child in favour of the applicant/father, since the custody of the minor child was forcibly taken by the respondent/mother. This Court, based on that application, passed an interim order and thereafter, it was made absolute and that application was closed.

5. Now, the custody of the child is with the applicant/father and therefore, no further orders are required to be passed in respect of granting



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interim injunction. If any modification is in respect of the custody of the parties, they are at liberty to approach this Court in accordance with law.

6. With the above observations, this application is closed.

7. Since already the pleadings are complete, the matter is hereby referred to the Master for recording evidence on **16.02.2026**.

8. Learned counsel for the respondent/mother submitted that the birth date of the child falls on 03.02.2026 and therefore, on that day, the custody of the minor child may be granted in favour of the applicant/father. Learned counsel for the applicant/father strongly objected to this submission. However, the applicant / father consented for having the custody on the birth date of the child from 3.30 pm. to 5.30 p.m. on the said birth date and he conceded to drop the child at the Forum Mall on 03.02.2026 and the mother can spend time with the minor child till 5.30 pm on 03.02.2026 at the Forum Mall, Vadapalani ,Chennai.

30.01.2026

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Office to note: Issue order copy by 03.02.2026.



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