



C.M.A(MD)No.1077 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 30/01/2026

CORAM

THE HONOURABLE MR JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS JUSTICE R.POORNIMA

C.M.A(MD)No.1077 of 2024
and
CMP(MD)Nos.11175 of 2024, 11314 and 20139 of 2025

T.Hayagrivan

: Appellant/Petitioner

Vs.

1.S.Arunasalam

2.Minor Govardhini Nachiyar

(Minor rep. By mother S.Arunachalam
1st respondent herein)

3.S.Parvathy

4.Boothpandian

: Respondents/Respondents

Prayer:- This Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act r/w Section 47 of the Guardian and Wards Act, 1870, to set aside the fair order and decreetal order, dated 15/07/2024 passed by the Family Judge, Madurai, in G.W.O.P No.1164/2022 and pass such other or further orders.

For Appellant

: Mr.Henri Tiphagne

For Respondents

: Mr.K.Navaneetha Raja



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J U D G M E N T

(Judgment of the Court was made by the Hon'ble **G.K.ILANTHIRAIYAN.J.**)

This Civil Miscellaneous Appeal has been preferred against the fair and decreetal order, dated 15/07/2024 passed in GWOP No.1164 of 2022 by the Family Court, Madurai, thereby dismissed the petition filed by the appellant herein seeking interim custody of his minor daughter Govardhini Nachiyar.

2.The appellant got married to the first respondent, on 08/07/2018 and gave birth to a female child namely Govardhini Natchiyar, on 26/10/2020. Due to misunderstanding between the husband and wife, they got separated. In fact, the first respondent was driven out from the matrimonial home along with the minor child. While being so, the appellant filed a petition seeking custody of the minor child Govardhini Natchiyar on the ground that first respondent is suffering from a mental disorder called 'Bipolar disorder'. Therefore, she was subjected for medical examination and referred to Rajaji Government Hospital, Madurai for psychiatric evaluation for 4 days from 29/01/2024 to



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02/02/2024. The Assistant Professor of Psychiatry, Madurai Medical College and Government Rajaji Hospital, who examined the first respondent herein issued a certificate that there was no evidence of any primary psychiatric illness. It has been marked as Ex.C1.

3.Though the appellant disputed the genuinity of the certificate for the reason that it was received by influence, it was issued by the Assistant Professor of Psychiatry, Madurai Medical College and Government Rajaji Hospital. That apart, the Trial Court also directed the appellant to appear before the Dean, Government Rajaji Hospital, Madurai, on 29/01/2024. However, the appellant failed to appear before the Dean, Government Rajaji Hospital. That apart, the first respondent is none other than the own mother of the child and now, the child is only 4 years of age. Therefore, the natural mother is the best custody of her female that too who aged about 4 years. Hence, the Trial Court has rightly rejected the claim made by the appellant.

4.This Court finds no infirmity in the impugned order passed by the Trial Court.



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5.In the result, this Civil Miscellaneous Appeal is **dismissed**. No

costs. Consequently, connected Miscellaneous Petitions are closed.

(G.K.I., J.) (R.P., J.)
30-01-2026

Index:Yes/No
Internet:Yes/No
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**G.K.ILANTHIRAIYAN,J
and
R.POORNIMA,J**

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To,

- 1.The Family Court,
Madurai.
- 2.The Section Officer,
VR/ER Section,
Madurai Bench of Madras High Court,
Madurai.

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