

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,  
COIMBATORE.**

**Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,  
Principal District Judge, Coimbatore.**

**Wednesday, this the 10<sup>th</sup> day of December, 2025**

(திருவள்ளூர்வராண்டு, 2056, விசுவாவசு கார்த்திகை திங்கள் 24-ஆம் நாள் புதன்கிழமை)

**I.A.No.1/2025 in G.W.O.P.No.56/2024**

D.Priscilia Irene

... Petitioner / Petitioner

//vs//

Joseph Vijay Anand

... Respondent / Respondent

This petition came on 04-12-2025 for hearing before this Court in the presence of **Tvl.S.Dalwin Kumar, M.Gomathi, J.Murugalingam and M.Saravanan**, Advocate for the petitioner / petitioner and **Tvl.A.Rajesh, A.Abdul Rahman, J.Raja, B.Bhuvaneshwaran, K.Vignesh and M.Saravanan**, Advocates for the respondent / respondent, upon hearing both side arguments, perusing petition, counter, written submissions filed on behalf of the petitioner and other relevant records, having stood over for consideration till this date, this Court made the following:

**ORDER**

This is an application filed by the petitioner, under section 12 of the Guardian and Wards Act, praying to permit the petitioner to meet / visit her minor children namely Minor Sandra Joseph and Samantha Joseph once in a week and also permit the petitioner to speak video calls through mobile phone with the minors on week days.

2. In the affidavit filed in support of the petition, the petitioner has stated that she has filed the main GWOP petition against her husband, seeking custody of her children. The main GWOP petition is periodically adjourned and due to which, the petitioner is not able to visit / meet her children. When the petitioner went to the school where her children are studying, school authorities not allowed the petitioner to see her children. Being the female children, both minors are living without proper protection and they are suffering without the love and care of the mother. The trial of the case will take a long to complete, hence, the petitioner has filed the present petition, seeking permission to visit / meet her two minor children till the disposal of the case.

3. On 24-06-2025, the learned counsel for the respondent filed a memo, stating that the counter by the respondent in the main GWOP petition may be treated as counter to the present petition also.

4. **Denying the entire petition averments as false, the respondent filed counter and in the counter, the respondent has additionally averred as follows:-**

(a) The respondent is working in Indian Army for the past 24 years and their marriage is a love marriage and till December-2017, the respondent had worked in various States and at that time, the respondent had looked after the petitioner and their children very well and the respondent provided good shelter and other

facilities to his family. At that time, there is no dispute between the respondent and the petitioner. For the sake of petitioner and children, the respondent sought transfer to Nilgiris.

(b) While so, in the year 2017, petitioner's sister's marriage was solemnized at Chennai and the respondent along with the petitioner and two minor children participated in the marriage ceremony and after marriage, the respondent the petitioner and her children to stay at Chennai since, petitioner's sister planned to go to Australia within a week and thereafter, the respondent came back to Nilgiris. The petitioner stayed at Chennai for a period of three months, though the respondent called her to come to matrimonial home, she continuously evaded the same. After three months, she came back to Nilgiris and from onwards, there was changes in her attitude and she always kept her phone and she used to go out often and then come home at night hours. When the respondent questioned her in this regard, she has not replied properly and she has no love or care upon the children. The respondent was deeply hurt by the attitude of the petitioner.

(c) In the month of March-2018, when the respondent came to home after completing his work, the petitioner was sleeping and her cell phone was rang and the respondent took the cell phone and shocked to see that one Kaison David Alexandar called the petitioner and as such, he came to know that both

the petitioner and the said Kaison David Alexandar have chatted in an abusive manner and they have exchanged abusive messages. Though the respondent advised the petitioner, she has not changed her attitude. While so, on 05-04-2018, she informed that she became pregnant and she wanted to abort the same. The respondent was shocked when he heard this. Further the respondent enquired with the petitioner about her pregnancy, since she stayed at Chennai for a period of three months. But the petitioner has not given any proper reply for the same and she kept silence. Without tolerating the same, the respondent tried to commit suicide and while he was under treatment, the petitioner aborted the child and had gone to Chennai.

(d) From the month of April-2018, the petitioner is living luxurious life. The respondent, being the father of the minor children, is providing all the necessary facilities for the minor children including education, food, clothing, shelter etc., if the custody of the minors is handed over to the petitioner, the same will affect the minors. The petitioner has mentioned wrong address in her main petition and the petitioner has filed the petition by stating false averments and hence, prays to dismiss the petition.

5. **The point that arises for consideration in this petition is that;** whether this petition has to be allowed or not?

**POINT:-**

6. This petition has been filed by the petitioner, who is the mother of the child, praying to permit her to meet / visit her minor children namely Minor Sandra Joseph and Samantha Joseph once in a week and also permit the petitioner to speak video calls through mobile phone with the minors on week days, till the disposal of the main GWOP petition.

7. The learned counsel for the petitioner has filed written submission and has argued that the petitioner is the mother of the children and the children are under the custody of the respondent and the respondent is not allowing allowed the petitioner to visit the children and when the petitioner went to the school where her children are studying, school authorities are not allowing the petitioner to see her children. The learned counsel for the petitioner has further argued that, being the female children, both minors are living without proper protection and they are suffering without the love and care of the mother. The trial of the case will take a long to complete. The learned counsel for the petitioner has further argued that, the nature of the petitioner's job is a transferable one within India and now the respondent is serving as a junior commissioner officer at Pathankot, Punjab of the Army Medical Corps in the Indian Army.

8. The learned counsel for the petitioner has further argued that, initially the matrimonial life of the petitioner and the respondent was peaceful and subsequently their relationship became estranged and the respondent started to harass the petitioner physically, mentally and sexually. Further the respondent is having extramarital life towards her fellow colleagues surviving in the military hospital. The learned counsel for the petitioner has further argued that, the respondent is a drunkard and he not only used to harass and assault the petitioner frequently, but also the minor children. Further the respondent was treated with SSRI, supportive psychotherapy, forced abstinence and de-addiction therapy.

9. The learned counsel for the petitioner has further argued that, the petitioner was forcibly sent to her parents' house at Chennai and her two minor daughters are kept under threat and coercion at the residence of the respondent. The learned counsel for the petitioner has further argued that, during the month of January-2019, petitioner father died and the two minor daughter were restricted from attending funeral ceremony of their grandfather. Further the petitioner received a call from the school authorities in which, her two minor daughters were studying that children were not send to school properly for attending classes and they were not groomed up well and dressed up neatly and they came to school without having bath and food and often fainted in the school premises. After hearing the same, the petitioner and her mother went to

see the children, but the respondent and his family members were not allowing the petitioner to see her children.

10. The learned counsel for the petitioner has further argued that, on 09-01-2021, the petitioner obtained order for visitation right vide order in CrI.M.P.No.124/2021 in DVC No.81/2019 from the learned Metropolitan Magistrate, Additional Mahila Court, Chennai and on 09-11-2023, the petitioner went to Karumathampatty, Coimbatore to visit her daughters and she was not able to visit her children and she lodged complaint in this regard and CSR 788/2023 was registered.

11. The learned counsel for the petitioner has further argued that, the respondent, his mother and brother do not have any care or affection towards the minor children and the respondent is completely absent from the life of the minors and the children are under the guardianship of respondent's mother and his brother. Further the petitioner's elder daughter Sandra Joseph attained puberty and her half saree ceremony was held, however, the respondent neither informed anything to the petitioner regarding the same. Further the petitioner's younger daughter too attained puberty and only mother who can look after the physical and mental well-being of the daughter at this adolescent age.

12. The learned counsel for the petitioner has further argued that, the respondent is a drunkard and he always be under the control of alcohol and the petitioner apprehends that the minor children will be kept under threat coercion and subjected to physical cruelty by means of harmful instruments and the respondent restricted them from talking with the petitioner over phone or any other telecommunication medium and hence, the petitioner filed the main GWOP petition seeking custody of the minors and filed the present petition to visit / see her minor daughters once in a month in St. Michaels Cathedral Church, Bishops House, No.10, Big Bazaar Street, Town Hall, Coimbatore and to allow her to communicate with them through phone or video calls and prays to allow the petition.

13. The learned counsel for the respondent would argue that the respondent is working in Indian Army for the past 24 years and their marriage is a love marriage and till December-2017, the respondent had worked in various States and at that time, the respondent had looked after the petitioner and their children very well and the respondent provided good shelter and other facilities to his family and thereafter, for the sake of petitioner and children, the respondent sought transfer to Nilgiris.

14. The learned counsel for the respondent would argue that, in the year 2017, petitioner's sister's marriage was solemnized at Chennai and the

respondent along with the petitioner and two minor children participated in the marriage ceremony and after marriage, the petitioner and the children were to stay at Chennai since, petitioner's sister planned to go to Australia within a week and hence, the respondent came back to Nilgiris. The petitioner stayed at Chennai for a period of three months, though the respondent called her to come to matrimonial home, she continuously evaded the same. After three months, she came back to Nilgiris and from then onwards, there was changes in her attitude and she always kept her phone and she used to go out often and then come home at night hours. When the respondent questioned her in this regard, she has not replied properly and she has no love or care upon the children. The respondent was deeply hurt by the attitude of the petitioner.

15. The learned counsel for the respondent would argue that, in the month of March-2018, when the respondent came to home after completing his work, the petitioner was sleeping and her cell phone was rang and the respondent took the cell phone and shocked to see that one Kaison David Alexandar called the petitioner and as such, he came to know that both the petitioner and the said Kaison David Alexandar have chatted many time and they have exchanged intimate messages. Though the respondent advised the petitioner, she has not changed her attitude. While so, on 05-04-2018, she informed that she became pregnant and she wanted to abort the same. The respondent was shocked when he heard this. Further the respondent enquired with the petitioner about her

pregnancy, since she stayed at Chennai for a period of three months, but the petitioner has not given any proper reply for the same and she kept silence. Without tolerating the same, the respondent tried to commit suicide and while he was under treatment, the petitioner aborted the child and had gone to Chennai.

16. The learned counsel for the respondent would argue that, the respondent is working at Jammu & Kashmir and children are staying in a hostel and pursuing their school education. Further the respondent, being the father of the minor children, is providing all the necessary facilities for the minor children including education, food, clothing, shelter etc., if the custody of the minors is handed over to the petitioner, the same will affect the minors. The petitioner has mentioned wrong address in her main petition and the petitioner has filed the petition by stating false averments and prays to dismiss the petition.

17. This Court has considered the rival submissions made by both side counsels and also perused the averments stated in the petition and counter. The petitioner and the respondent are wife and husband. Of their wed-lock, they blessed with two female children namely Minor Sandra Joseph and Minor Samantha Joseph. Due to difference of opinion, both the petitioner and the respondent separated each other. The minor daughters are under the care and custody of the father i.e., respondent. While so, the petitioner has filed

G.W.O.P.No.56/2024, against the respondent, praying to hand over the custody of the minor daughters and the said petition is still pending before this Court. During the pendency of the said petition, the petitioner who is the mother of the minor children filed this petition, praying to grant permission to her to visit / meet her minor daughters. There is no dispute between the parties in the above said aspects.

18. It is the case of the petitioner that already the petitioner filed DVC No.81/2019, before the learned Metropolitan Magistrate of the Additional Mahila Court, Egmore, Chennai, against the respondent and during the pendency of the said case, the petitioner filed CrI.M.P.No.124/2021 and the learned Magistrate concerned passed order on 09-02-2021 and granted visitation rights in favour of the petitioner and thereby permission was granted to the petitioner to visit her children on every 2<sup>nd</sup> Sunday. Subsequently the said DVC No.81/2019 was dismissed for default on 22-09-2022. Thereafter, the respondent and his family members not allowed the petitioner to visit / see her children. It is the specific case of the petitioner that her two minor daughters are studying in a boarding school and are staying in hostel, however no single document has been produced by the petitioner to prove that her children are studying elsewhere and they are in hostel. Similarly the respondent who claims that being the father, he is providing all the necessary facilities for the minor children including education, food, clothing, shelter, has not disclosed anything

regarding the school where his two minor daughters are studying, however though the petitioner obtained order in CrI.M.P.No.124/2021 in DVC No.89/2019, passed by the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai, however it appears that the petitioner has not able to visiting her minor daughters and in respect of the above, she has also filed complaint against the respondent. Hence, considering all the above said aspects, though, the respondent raised several allegations against the petitioner, the said allegations can be decided only at the time of disposal of the main GWOP petition, considering the nature of the present petition, this Court is of the considered view that it is appropriate to grant visitation right to the petitioner who is the mother of the children. Point is answered accordingly.

**In the result, this petition is partly allowed** and the petitioner namely **D.Priscilla Irene** is granted visitation rights of the minor daughters namely, **Minor Sandra Joseph** and **Minor Samantha Joseph**, on every 1<sup>st</sup> Saturday, of every English Calendar month [**every month Court working day**] commencing from January-2026, between 11.00 a.m., to 12.00 a.m., **in the Office of the District Legal Services Authority, Coimbatore**, which is situated in the Combined Court Campus, Coimbatore, till the disposal of the main GWOP petition, without disturbing the education of the children. Further permission is granted to the petitioner to speak video calls through mobile

phone with the minors on week days. The respondent is hereby directed to cooperate for implementation of this order. No cost.

This order is dictated to steno-typist directly, typed by her in computer, corrected and pronounced by me, the order in open Court, on this the 10<sup>th</sup> day of December, 2025.

PRINCIPAL DISTRICT JUDGE,  
COIMBATORE.

//True copy//

**Draft order in**  
I.A.No.1/2025 in  
G.W.O.P.No.56/2024  
Dated:10-12-2025.