

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

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

Monday, this the 04<sup>th</sup> day of March 2024

**I.A.No.1/2023 in GWOP No.93/2023**

Sheela ... Petitioner

/vs/

Devaraj J.G ... Respondent

This petition came before me for final hearing on 27-02-2024 in the presence of **Tvl.C.Gnanasambandam, G.Bindhu and A.Freeda**, Advocates for the Petitioner, and of **Thiru.B.Murali**, Advocate for the Respondent and upon perusing the records and hearing arguments of both side and having stood over for consideration till this day, this Court passed the following

**ORDER**

This petition has been filed by the Petitioner under Section 12 of the Guardian and Wards Act seeking an order of granting visitation rights to see her grandson twice a week till the disposal of the main petition.

**2. Averments contained in the petition :**

- i. The Petitioner herein is the Petitioner in the main petition. The Respondent herein is the son-in-law of the Petitioner herein.

- ii. The marriage between the daughter of the Petitioner namely Nithya and the Respondent was took place on 09-03-2017 at Jagathala, Nilgiris District in the presence of both the family members as per the customs of Badukar.
- iii. Out of their wed-lock, a male baby namely Rithwin was born on 19-09-2020. Now the child is aged 3 years.
- iv. After 55 days from date of the delivery of the baby, the Petitioner's daughter Nithya died.
- v. From the 55<sup>th</sup> day of his birth, the said Rithwin became a motherless child. So the Petitioner and the Respondent herein had the responsibility and obligation to look after him. The Respondent loved his wife Nithya very much. Since the said Nithya died in childbirth, the Respondent had started believing that that the child Rithwin is unlucky and due to him, the family would suffer since he has great faith in astrology.
- vi. Only bringing up the child Rithwin by the Petitioner, will bring peace to her daughter's soul. The Petitioner stayed in the house of the Respondent situated at Sairathna Apartments, N.G.G.O Colony in order to maintain the child.
- vii. While so, the Respondent started making wedding arrangements with one Poornima and began to forcefully separate the child from the Petitioner. When the same was questioned by the Petitioner, the Respondent left from the house.
- viii. From 01-11-2022, the minor child Rithwin is under the custody of the Respondent. From the, the Respondent is not permitting the Petitioner to see

the minor child. Therefore, the Petitioner has come forward with this petition seeking an order of granting visitation rights to see her grandson twice a week till the disposal of the main petition.

**3. Averments contained in the counter statement filed by the Respondent :**

i. The Respondent denied the allegation levelled against the Respondent by the Petitioner in this petition.

ii. In the main petition itself, the Petitioner has not pleaded any visitation rights.

iii. The Petitioner has not stated sufficient reason to allow this petition.

However, the Petitioner shall visit the minor child Rithwin in the house of the one of the relative of the Respondent namely one Gowri situated at Jagathala village, Nilgiris District or at the Sims park situated at Aruvankadi, Nilgiris District. At the time of her visitation, the Respondent should not engage in any wrongful suggestion and to change the mind of the minor child and she should not accompany with any other and the petition may be allowed on such conditions.

**4. The point for consideration :**

Whether the Petitioner is entitled for visitation right? is the point for consideration.

**5.** On the side of the Petitioner as well as the Respondent, no oral evidence adduced and document marked.

**Point :**

6. Heard both side and perused the relevant records. It is the case of the Petitioner that, the Petitioner herein is the Petitioner in the main petition. The Respondent herein is the son-in-law of the Petitioner herein. The marriage between the daughter of the Petitioner namely Nithya and the Respondent was took place on 09-03-2017 at Jagathala, Nilgiris District in the presence of both the family members as per the customs of Badukar.

7. Further case of the Petitioner is that, out of their wed-lock, a male baby namely Rithwin was born on 19-09-2020. Now the child is aged 3 years. After 55 days from date of the delivery of the baby, the Petitioner's daughter Nithya died. From the 55<sup>th</sup> day of his birth, the said Rithwin became a motherless child. So the Petitioner and the Respondent herein had the responsibility and obligation to look after him. The Respondent loved his wife Nithya very much. Since the said Nithya died in childbirth, the Respondent had started believing that that the child Rithwin is unlucky and due to him, the family would suffer since he has great faith in astrology.

8. Further case of the Petitioner is that, only bringing up the child Rithwin by the Petitioner, will bring peace to her daughter's soul. The Petitioner stayed in the house of the Respondent situated at Sairathna Apartments, N.G.G.O Colony in order to maintain the child. While so, the Respondent started making wedding arrangements with one Poornima and began to forcefully separate the

child from the Petitioner. When the same was questioned by the Petitioner, the Respondent left from the house.

**9.** Further case of the Petitioner is that, from 01-11-2022, the minor child Rithwin is under the custody of the Respondent. From the, the Respondent is not permitting the Petitioner to see the minor child. Therefore, the Petitioner has come forward with this petition seeking an order of granting visitation rights to see her grandson twice a week till the disposal of the main petition.

**10.** It is the case of the Respondent that, the Respondent denied the allegation levelled against the Respondent by the Petitioner in this petition. In the main petition itself, the Petitioner has not pleaded any visitation rights. The Petitioner has not stated sufficient reason to allow this petition. However, the Petitioner shall visit the minor child Rithwin in the house of the one of the relative of the Respondent namely one Gowri situated at Jagathala village, Nilgiris District or at the Sims park situated at Aruvankadi, Nilgiris District.

**11.** Further case of the Respondent is that, at the time of her visitation, the Respondent should not engage in any wrongful suggestion and to change the mind of the minor child and she should not accompany with any other and the petition may be allowed on such conditions.

**12.** Hence taking into consideration, the Petitioner is entitled for visitation right.

In the result, visitation right is granted to the Petitioner. It is hereby ordered that the Petitioner, *Sheela*, has rights to visit the minor child Rithwin twice in a month i.e on 2<sup>nd</sup> and 4<sup>th</sup> Sunday between 10.00 a.m. and 01.00 p.m at Sims Park, Aruvankadu, Jagathala village, Nilgiris District, pending disposal of the main petition.

Dictated to the Steno-typist and typed by her in the computer, corrected and pronounced by me in the open court, this the 04<sup>th</sup> day of March 2024.

PRINCIPAL DISTRICT JUDGE,  
COIMBATORE

List of witnesses and Documents : NIL

PRINCIPAL DISTRICT JUDGE,  
COIMBATORE

Principal District Court,  
Coimbatore  
I.A.No.1/2023  
in  
GWOP No.93/2023  
Dt : 04-03-2024  
Draft/Fair Order