

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

Present : **Thiru.T.Chandrasekaran, M.L.,**
Principal District Judge,
Chengalpattu.

Wednesday the 8th day of April, 2026

Guardian and Wards Original Petition No.84 of 2023
(In the matter of minor Srinika - aged 11 years)

CNR.No.TNCG01-000964-2023

Preethi . . . Petitioner.

/Vs/

Sridharan . . . Respondent.

This petition came up before me on 18.12.2025 for final hearing in the presence of Tvl.D.Duraibabu and K.Anandhasayanan, Advocates for the petitioner and the respondent appeared party-in-person, upon hearing the arguments of both sides, perusing the entire records and having stood over the matter for consideration till this day, this court delivers the following,

ORDER

This petition is filed by the petitioner / mother under 7, 8 and 10 of the Guardian and Wards Act, 1890 to appoint the petitioner as guardian of minor Srinika and to handover permanent custody of minor Srinika to the petitioner.

2. The averments set out in the petition filed by the petitioner briefly read as follows :

The marriage between the petitioner and the respondent took place on 23.01.2009 at Cuddalore, Patherikuppam sri Shanmuga Thirumana Mahal as per Hindu rites and rituals in the presence of parents and relatives of the petitioner and respondent. In the wedlock, the petitioner and the respondent were blessed with a daughter who was born on 02.02.2012. Due to difference of opinion in their married life, the petitioner and the respondent applied for mutual consent divorce in Cuddalore Family Court in petition No.19/2020 and the same was allowed on 01.02.2020. At that time, the petitioner's daughter was eight years old and hence, was left under the care of her father and with the consent of the respondent herein the petitioner herein was allowed to take her daughter with her during school weekend holidays particularly on Saturday 5.00 p.m., to Sunday 5.00 p.m. Accordingly the child was under the care of both the petitioner and the respondent and the minor child is now studying at SRM Public School, Nellikuppam Road, Nandhivaram, Guduvanchery.

2 (ii) Now the petitioner's daughter attained puberty and hence, needs mother's care and support for her physical and mental development in order to grow in a safe and healthy environment. Further, since the respondent is a working person, except the respondent there is no one to take care of the minor child at home. Hence, the petitioner wishes to

maintain her daughter keeping in mind her age and safety of the child and as the minor child also desires to live with her mother for the betterment of her life. The petitioner has the capacity to maintain her minor child as she is working in a private concern and she can provide a better life for her minor daughter in all aspects. Hence, the petition.

3. Initially the respondent / husband appeared before this court in person, but not filed counter.

4. The parties were directed to appear before the Mediation Center at Chengalpattu and the same was complied by the parties. Accordingly on 02.09.2024 mediation report was received by this court. Thereafter the petitioner has examined herself as PW1 and marked Ex.P1 to Ex.P5 and Ex.C1. However, on perusal this court sought for clarification that since, already custody of child was granted to the father in the Order dated 01.02.2020 in HMOP.No.19/2020 before the Family Court, Cuddalore, how this court can modify the said order under Ex.P3 and this court does not have territorial jurisdiction as the divorce OP was filed before the court at Cuddalore.

5. The learned counsel for the petitioner appeared before this court and clarified that, though the divorce was granted under mutual consent in the court at Cuddalore, since the child has been residing with the respondent at Guduvanchery and the petitioner also is residing at Pallavaram, the jurisdiction very well falls before this court and in respect

of the same, he has filed a citation reported in *2012(2) CTC page 717 in CRP (PD) No.453/2010 dated 11.11.2011.*

6. The marital relationship between the parties is manifested by Ex.P1 marriage invitation and Ex.P2 marriage photographs. The Ex.P3 Order and Decretal order dated 01.02.2020 reveals the divorce obtained by the parties under mutual consent. The birth of minor Srinika to the petitioner and respondent is proved by Ex.P6 birth certificate. The respondent / father has examined himself as RW1 and expressed that he has no objection to hand over the custody of the minor child to the petitioner / mother for the betterment of minor child's future. Further the petitioner and respondent along with the minor child have appeared before this court and the minor child also expressed her willingness to live with her mother. Since the minor child has attained puberty, it is a quite truth that only a mother can take care of the girl child after attaining puberty both physically and mentally, as agreed between the parties before Mediation Center at Chengalpattu. Either party have no further claims or demands against each other with respect to this petition in GWOP.No.84/2023 and all the disputes and differences in this regard have been amicably settled by the parties before the Mediation Center.

In the result, petition is allowed. The petitioner is appointed as guardian of minor Srinika being the mother and natural

guardian and she shall have permanent custody of minor Srinika with her. No costs.

Typed to my dictation, corrected and pronounced by me in open court, on this the 8th day of April, 2026.

Principal District Judge,
Chengalpattu.

Petitioner's side witness :

PW1 Tmt.Preethi (petitioner).

Petitioner's side exhibits :

Ex.P1 23.01.2009 Marriage Invitation.

Ex.P2 --- Marriage Photographs.

Ex.P3 01.02.2020 Order and Decretal Order in HMOP.No.19/2020 on the file of Family Court, Cuddalore.

Ex.P4 --- Xerox copy of adhaar card of petitioner, compared with original.

Ex.P5 --- Xerox copy of adhaar card of minor Srinika, compared with original.

Ex.P6 --- Online birth certificate of minor Srinika.

Court side witness :

Nil.

Court side exhibit by PW1 :

Ex.C1 29.07.2024 Mediation Report.

Respondent's side witness :

RW1 Thiru.Sridharan (respondent).

Respondent's side exhibit :

Nil.

Principal District Judge,
Chengalpattu.