

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

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

Friday the 31st day of October, 2025

**I.A.No.1 of 2023**  
**in**  
**GWOP.No.43 of 2020**

G.Narasimhan . . . Petitioner / Petitioner.

/Vs/

K.Priyadharshni . . . Respondent / Respondent.

This petition came up before me for final hearing on 6.8.2025, in the presence of Tvl.S.Raman and P.Kalaiselvan, Advocates for the petitioner and Thiru.C.Mariappan, Advocate for the respondent, upon 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 under Section 12 of Guardian and Wards Act praying for the custody of male child Pragalatha during every week end from Friday evening 6.00 p.m., to Sunday evening 7 p.m.

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

The petitioner and the respondent are blessed with male child

born on 28.8.2021 namely Pragalatha. All of a sudden on the third day after the birth of son, the respondent left the petitioner and went to her maternal home along with child due to ill advice of her mother. Thereafter she did not return back to matrimonial home and became deserted. Having no option, the petitioner when go to see the child one or two times per week, the respondent / wife and his mother-in-law made vexatious quarrel with abusing language. After lapse of 5 months, due to good advice by petitioner's father-in-law, the respondent returned back to matrimonial home along with child. But due to the threat by respondent's mother, the respondent again left the petitioner and went to her maternal home along with son and also stubbornly refused to show the child to the petitioner at any point of time. Hence, the petitioner filed petition in IA 132/2019 for visiting rights under Section 26 of Hindu Marriage Act before the Sub Judge, Tambaram in HMOP.No.85/2016 which was filed by the respondent for divorce and the same was allowed in favour of petitioner. Since the respondent did not choose to obey the above said order and not properly appeared in the main HMOP proceedings, the HMOP 85/2016 was dismissed for default. During the pendency of the above said HMOP, the petitioner filed the present GWOP No.43/2019 and the respondent / wife was set exparte for non-filing of counter. Since there is no communication between the petitioner and minor child Pragalatha, the minor child should

know who is the father. Then only it is possible to proceed with the main OP. Hence, the petition.

**3. The averments set out in the counter filed by the respondent in brief read as follows:**

The petitioner filed an application on 21.6.2023 in I.A.No.1/2023 under Section 12 of Guardian and Wards Act behind the back of the respondent. In the above IA an ex parte order was passed on 28.2.2024 for visitation right of the child on all Sundays between 10.00 a.m., to 4.00 p.m., in any common place or residence of either of the parties as agreed between them. The minor Prahalatha is 10 years old studying in 5th Standard at Chittalapakkam and is having home work as well as extra-curricular activities on each and every day. On Sundays the child is having homework heavily and he cannot do his own work as well as maintain himself. The respondent had filed HMOP.No.85/2016 before the Sub Court at Tambaram and the petitioner herein had filed I.A.No.132/2019 for his visiting rights for the minor child namely Prahalatha on 4.2.2021 wherein it is ordered that *"every week Sunday morning 10 'o' clock at Tambaram Railway Station West Extreme Tambaram and take custody of minor son and to return to his mother's custody on the same day evening by 6 'o' clock."* So already visiting right was granted by the Sub Court, Tambaram. But the above said order was not implemented by the petitioner and the very same prayer was sought in this IA. Hence if the very same prayer is

got on exparte order, it will become res judicata. Hence, prayed for dismissal of petition.

**4. The point for consideration is :**

Whether visitation rights to be given to the petitioner/father as prayed for?

**5. On point:**

As per the contentions of the petitioner / husband, the respondent / wife had filed a petition in HMOP.No.85/2016 for divorce before the Sub Court, Tambaram in which the petitioner / husband had filed an application for visitation rights of the child in I.A.No.132/2019, wherein the petitioner was permitted to visit the child on "*every week Sunday morning 10 'o' clock at Tambaram Railway Station West Extreme Tambaram and take custody of minor son and to return to his mother's custody on the same day evening by 6 'o' clock and the petitioner has to assure the safety and security of the child while taking under his custody to till return.*"

6. Notwithstanding the plea of res judicata raised on the side of the respondent which may not have any application in the facts and circumstances of the case on hand, both side by way of respecting the sentiments of each other has come to an understanding that the petitioner is at liberty to visit the child Prahalatha between 4.30 P.M and 6.30 P.M of every Sunday at the place of their own choice or on any particular working

day at District Legal Services Authority satiated at Tambaram and during that time the petitioner has to assure the safety and security of the child.

7. **In the result, the petition is allowed accordingly. No costs.**

Typed to my dictation, corrected and pronounced by me in open court, on this the 31st day of October 2025.

Principal District Judge,  
Chengalpattu.

Both side witness and exhibit :

Nil.

Principal District Judge,  
Chengalpattu.