

**IN THE COURT OF THE PRINCIPAL DISTRICT COURT,  
KRISHNAGIRI**

**Present: Tmt.V.R.Latha, M.A., B.L.,**

**Principal Sessions Judge, Krishnagiri.**

Thursday, the 12<sup>th</sup> day of March 2026

**I.A.No.01/2026 in G.O.P.No.154/2025**

Chidambaram

...Petitioner

Versus

Nithya

...Respondent

This petition is coming up for final hearing before me on today in the presence of Tr.M.G.Manoharan, Advocate for petitioner, and Tr.K.Marks, Advocate for respondent, and upon hearing both side arguments and upon perusing the documents and the case having stood over for my consideration till this day, I delivered the following

**ORDER**

This petition has been filed by the petitioner, under Section 12 of

Guardian and Wards Act, 1890 seeking to order interim custody of the minor child and in the alternative, visitation rights to meet the minor child.

2] The learned counsel for the petitioner would submit that the petitioner is the legally wedded husband of the respondent and the minor child Lakshan was born out of the wedlock on 27.03.2020. The learned counsel would further submit that due to the continuous quarrels, abusive behaviour and cruelty committed by the respondent, the petitioner was constrained to file a divorce petition in O.P.No.197 of 2025 before the Hon'ble Principal Subordinate Judge, Hosur and the same is pending. The learned counsel would further submit that the respondent, without any valid reason, left the matrimonial home and is presently living separately along with the minor child. It is submitted that despite several attempts made by the petitioner to see the child, the respondent and her family members did not permit the petitioner to meet the child. The learned counsel would further submit that the petitioner even approached the All Women Police Station, Hosur and lodged a complaint seeking assistance to see the child and the same was registered in C.S.R.No.390 of 2025. Even though the police called the respondent and directed her to produce the child, the respondent failed to appear and did not produce the child before the police authorities.

3] The learned counsel would further submit that the minor child is aged about 5 years and the petitioner, being the natural guardian and father of the child, has every right to have custody of the child or at least to meet the child. It is also submitted that the respondent has admitted the minor child in a school at Electronics City which is far away from the place of residence and the child has to travel nearly 60 kilometres every day, which is not in the welfare and interest of the minor child. Therefore, the learned counsel would submit that considering the welfare of the minor child and the rights of the father, this Hon'ble Court may be pleased to grant interim custody of the minor child to the petitioner and in the alternative grant reasonable visitation rights to the petitioner to meet the minor child on such days and time as this Hon'ble Court may deem fit and proper.

4] On the other hand, the learned counsel for the respondent would submit that the allegations made by the petitioner in the petition are false and created only for the purpose of this case. The learned counsel would further submit that the respondent has always taken proper care of the minor child and the child is presently residing with the respondent, who is the mother and natural guardian taking care of the day-to-day needs of the child. The learned counsel would further submit that the minor child is aged about 5 years and at such tender age the child requires the love, affection and care of the mother.

Hence, it will not be in the welfare and interest of the minor child to separate the child from the custody of the respondent. The learned counsel would further submit that there are serious matrimonial disputes between the parties and the petitioner himself has already filed a divorce petition in O.P.No.197 of 2025 before the Hon'ble Principal Subordinate Judge, Hosur and the same is still pending. Therefore, the petitioner cannot now seek custody of the child by making false allegations against the respondent. The learned counsel would further submit that the petitioner has made several baseless allegations against the respondent and her family members, which are denied by the respondent. The respondent has not prevented the welfare of the child at any point of time and the minor child is being properly taken care of by the respondent. Therefore, the learned counsel would submit that considering the tender age of the child and the welfare of the minor, the petition seeking interim custody is not maintainable and the same is liable to be dismissed. However, if this Hon'ble Court deems it fit, appropriate visitation rights alone may be granted to the petitioner to meet the minor child on reasonable terms.

5] This Court carefully considered the submissions made by the learned counsel appearing for both sides and also perused the materials placed on record. It is not in dispute that the petitioner is the father of the minor child and the respondent is the mother. The minor child is presently residing with

the respondent. The main issue to be considered by this Court at this stage is only with regard to the interim custody / visitation of the minor child. The minor child is aged about 5 years and is presently under the care and custody of the respondent mother. At such tender age, the child requires the care and attention of the mother. Therefore, this Court is of the view that the custody of the child cannot be changed at this stage. However, at the same time, the petitioner being the father of the minor child cannot be deprived of the opportunity to meet and spend time with the child. The child is also entitled to receive the love and affection of both the parents. Denying such opportunity to the father will not be in the welfare and interest of the minor child. Therefore, this Court finds that instead of granting interim custody, it would be appropriate to grant visitation rights to the petitioner so that he can meet the minor child and spend quality time with the child.

In the result, the prayer of the petitioner seeking interim custody of the minor child is not granted. However, the alternative relief sought by the petitioner for visitation rights is allowed.

Accordingly, the respondent is directed to produce the minor child every Sunday at 9.00 a.m. at any common public place in Hosur, which may be mutually convenient to both parties, and hand over the child to the

petitioner for the purpose of visitation. The respondent shall ensure that the minor child is brought to the said place for visitation without fail.

The petitioner shall take proper care of the minor child and spend time with the child during the said period. The petitioner shall not cause any disturbance or attempt to take custody of the child during such visitation. The petitioner shall return the minor child to the respondent on the same day at 7.00 p.m. at the very same place where the child was handed over.

Both parties shall cooperate with each other and shall not create any problem or disturbance during the visitation. The place for handing over and receiving the child may be mutually fixed by the parties based on their convenience. This visitation arrangement shall continue till the disposal of the main G.O.P.

Dictated to steno-typist, directly typed by him in computer, corrected and pronounced by me in the Open Court on this, the 12<sup>th</sup> day of March, 2026.

Principal District Court,  
Krishnagiri.