

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

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

Principal Sessions Judge, Krishnagiri.

Friday, the 10th day of April 2026

I.A.No.02/2025 in G.O.P.No.141/2024

(In the matter of minor Lihan Reddy, aged about 3 years, and Door No.2/256, A.B.S Thimmasandhiram Village, Berigai (Post), Hosur Taluk, Krishnagiri District – 635 105)

Arunkumar

...Petitioner

Versus

Harusha

...Respondent

This petition is coming up for final hearing before me on 01.04.2026 in the presence of Mrs.P.Chandra, Mrs.Vennila, Advocates for petitioner, and Tr.M.G.Manoharan, Mrs.R.Kokila Manoharan, Advocates 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 grant interim order for directing the respondent to bring his son at any common place, and allow him to see his son and permit him to spent time with his son on every Saturday at 10 A.M to 6.00 P.M.

2] The learned counsel for the Petitioner submits that the Petitioner is the husband of the Respondent and the father of the minor child, namely Lihan Reddy, aged about 3 years. The learned counsel further submits that after the marriage, the Petitioner and the Respondent were living together along with the Petitioner's parents. The marriage was conducted by the Petitioner's parents with happiness, and they treated the Respondent like their own daughter. It is submitted that during the pregnancy period, the Petitioner and his parents took care of the Respondent. The learned counsel also submits that the Petitioner has love and affection towards his minor son and is concerned about his welfare. The learned counsel further states that the Respondent was not taking proper care of the child and was frequently using her mobile phone. When the Petitioner and his parents advised her, she picked up quarrels. It is further submitted that the Respondent left the matrimonial home at midnight along with the minor child without informing the Petitioner and also took her

gold jewels. The learned counsel also submits that the Petitioner conducted a panchayat, but the Respondent refused to return. Therefore, the Petitioner filed a petition for restitution of conjugal rights before the Sub Court, Hosur. It is further submitted that the Respondent has filed police complaints and other cases against the Petitioner with false allegations. The learned counsel also submits that the Petitioner is not able to see his minor child, as the Respondent is not allowing him to meet the child. Therefore, the learned counsel for the Petitioner prays that this Court may permit the Petitioner to see his child and grant visitation rights in the interest of justice.

3] On the other hand, the learned counsel for the Respondent submits that the petition is false and has been filed only to trouble the Respondent. The learned counsel admits that the minor child, namely Lihan Reddy, aged about 3 years, is the child of both parties. However, it is submitted that the Petitioner is not a fit person to have care of the child. The learned counsel further submits that after marriage, the Petitioner and his family members started harassing the Respondent. It is stated that they demanded dowry, picked up quarrels, and assaulted the Respondent. It is also stated that the father of the Petitioner behaved in a wrong manner towards the Respondent. The learned counsel submits that due to continuous harassment, the Respondent was not

able to live safely in the matrimonial home and even attempted suicide. Therefore, she was forced to leave the matrimonial home along with the child. It is further submitted that the Respondent had given police complaints and criminal cases have been registered against the Petitioner. The learned counsel also submits that when the Respondent again went to live with the Petitioner as per Court advice, she was again harassed, assaulted, and driven out of the house, and the child was not returned to her. It is submitted that only after filing a Habeas Corpus Petition before the Hon'ble High Court, the Respondent got back the custody of the child. The learned counsel further submits that the Petitioner has not shown real care towards the child and the present petition has been filed only to avoid other responsibilities. Therefore, the learned counsel for the Respondent prays that this Court may dismiss the petition.

4] This Court has carefully considered the submissions made on both sides and also perused the records. It is not in dispute that the Petitioner is the father of the minor child and the Respondent is the mother. It is also admitted that the minor child is now in the custody of the Respondent. The main request of the Petitioner is only to see the child and spend some time with him. He is not asking for custody at this stage. On the other hand, the Respondent has raised serious allegations against the Petitioner and his family members.

According to her, she was subjected to harassment and cruelty, and because of that she left the matrimonial home. She has also stated that criminal cases are pending against the Petitioner. This Court is of the view that all these allegations between the husband and wife cannot be decided in this petition. Those issues have to be decided in the respective cases pending before the competent courts.

5] In this petition, the main question is only about the welfare of the minor child. A child of this age requires the love and care of both the mother and the father. Even if there are disputes between the parents, the child should not lose the opportunity to know and interact with the father. If the father is completely prevented from seeing the child, it may affect the emotional growth of the child. At the same time, the safety of the child and the convenience of the mother must also be considered. Therefore, this Court is of the view that a balanced approach has to be taken. The Petitioner can be permitted to see the child, but with proper conditions. Granting limited visitation will not cause any harm to the child. On the other hand, it will help the child to maintain a relationship with the father. Hence, this Court finds that it is a fit case to grant visitation rights to the Petitioner.

In the result, this Interlocutory Application is allowed with the following conditions:

i] The respondent is directed to produce the minor child every Saturday at 10.00 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.

ii] 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 12.00 p.m.(Noon) at the very same place where the child was handed over.

iii] 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 10th day of April, 2026.

Principal District Court,
Krishnagiri.