

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE, TIRUVALLUR**  
**PRESENT: Dr. J. JULIET PUSHPA, Ph.D. (Law)**  
**Principal District Judge, Tiruvallur**

**Friday, the 27<sup>th</sup> day of March, 2026**

**I.A.2/2025 IN GWOP.190/2025**  
**(CNR No. TNTR010035872025)**

K. Kanaga

....Petitioner

Versus

S. Navaneetha Krishnan

.....Respondents

This Petition coming on for final hearing on 12.03.2026 in the presence of M/s Sumathi Lokesh, N. Sathish Raja, B. Saranya, learned counsel for the Petitioner and M/s J. Jagathratchagan, D. Karthick and R. Gayathri, learned counsel for the respondent, and upon hearing the arguments of both side and upon perusing the material case records and having stood over for consideration till this date, this Court delivered the following:-

**ORDER**

This Petition filed by the petitioner under Section 12 of Guardians and Wards Act, 1890 to grant visitation and custody of the minor children (1) N. Prajith Vikashkripa, (2) N. Nilaani Jesicca, and (3) N. Vibash Shahith Kemuel during weekends and direct the respondent to facilitate her daily communication with the minor children including at least one video call through skype and any other electronic medium, so as to enable the mother and children remain emotionally connected till disposal of main original petition.

2. **The averments in the Petition filed by the Petitioner are as follows:-**

The petitioner is the petitioner in the main Original Petition praying to grant custody of her minor children, (1) N. Prajith Vikashkripa (aged 12 years) , (2) N. Nilaani Jesicca (aged 10 years), and (3) N. Vibash Shahith Kemuel (aged 5 years). On 25.01.2025 to 28.01.2025, when the petitioner went to perform her personal work, the respondent without the knowledge of the petitioner taken away all the children from the matrimonial house. The act of the respondent is high handed violating the rights of the petitioner as guardian of her minor children. The abrupt separation of the children from the petitioner caused a deep emotional trauma on the petitioner as well as to the children which will created psychological harm to the children who are in their tender age. Only due to matrimonial dispute, the respondent alienated the children from the petitioner. The welfare of the children being the paramount consideration, the petitioner's visitation rights has to be granted , hence this petition.

3. **The averments in the Counter filed by the respondent in brief is as follows:-**

asddf

4. No oral and documentary evidence on both sides.

5. **Now the point for consideration in this petition is**

- (i) **Whether this petition to grant interim custody of the minor children (1) N. Prajith Vikashkripa, (2) N. Nilaani**

**Jessica, and (3) N. Vibash Shahith Kemuel to the petitioner and visitation rights as prayed for ?**

**(ii) Whether this petition is to be allowed ?**

**6. POINT:**

Heard both side.

This petition is filed by the petitioner/mother seeking interim custody of his minor children, (1) N. Prajith Vikashkripa, (2) N. Nilaani Jessica, and (3) N. Vibash Shahith Kemuel from 10.00 AM on every Saturday till 7.00 PM on every Sunday.

7. On perusal of records and points put forth by both counsel, it is seen that main original petition was filed by the petitioner against the respondent seeking custody of the her minor children and directing the respondent to hand over his minor children. The petitioner is none other than mother of the above children and the respondent is the father.

8. The case of the petitioner is that the marriage between petitioner and respondent was performed on 22.08.2010 and they begotten the above three children. After the birth of the children, for the minor disorder sustained by the petitioner, the respondent forced her to have psychological treatment and forcefully taken away the children on 25.01.2025, when she went to attend her personal work at Madurai. Now, the petitioner has come forwarded the

original petition seeking permanent custody of the children. While the original petition is pending, he has filed this petition seeking interim custody on all Saturdays and Sundays to spend time with the children and also to facilitate her to have daily contact through electronic mode.

9. Per contra, this petition is opposed by respondent contending that the petitioner is suffering due to severe and abnormal disorientation disorder due to which the children are fear of her rude behaviour and also not willing to be in the custody of the petitioner, however, he is not against the petitioner to visit the children and since the children are having studies even during Saturdays, respondent is working and children are studying, it is not feasible to give custody of the children on all Saturdays and Sundays.

10. Admittedly, the minor children N. Prajith Vikashkripa, N. Nilaani Jesicca, and N. Vibash Shahith Kemuel are now in the custody of respondent/father. The petitioner is none other than the mother of the minor children. While the petitioner alleges that the respondent has denied the petitioner to visit the children, the respondent accuses her that she is having rude behaviour and abusive nature towards the children.

11. Admittedly, the respondent and the petitioner are now separately living from 25.01.2025. When the petitioner alleges that the respondent denied her visitation rights, he alleges that the petitioner having abnormal behaviour upon the children, In view of the above said contentions of both parties and also

since almost a year has already passed since they are separated, this Court wanted to have interaction with the children to ascertain their willingness for the plea of the petitioner to the interim custody of his minor children. Accordingly, this Court interacted with the minor children on 12.03.2026 in the chamber. All the three the minor children have expressed during the interaction that they have acquaintance with the petitioner as mother and they have already been visited by her. However, it appears that the children are happy with the custody of respondent and not expressed any willingness to accompany with the petitioner/mother for days together, but willing to see the mother during visiting hours, that too in the presence of the respondent/father.

12. The minor children are now aged 12, 10 and 5 years old. The respondent does not dispute the visitation rights of the petitioner herein as mother of the children and stated that she allowed only contention of the respondent is that during his previous visit to the children, she could make the situation not conducive for the children as she is having disoriented behaviour. This Court has ascertained the fact during the interaction with the minor wards that the minor children have expressed in words that they are comfortable with their father, the respondent. However, they have also expressed their willingness to see their mother, but accompanying with the respondent. Though the petitioner is the mother of the minor children, considering the interaction this Court had with the children, if the plea of the petitioner to have the custody

of the children for two days, i.e. on all Saturdays and Sundays is allowed, the minor children would be put to hardships as they cannot accompany with the mother for two days every week, which would also detrimental to their studies. Therefore, the plea of the petitioner with regard to interim custody on all Saturdays and Sundays cannot be granted.

13. At the same time, the petitioner is none other than the mother of the minor children. Therefore, this Court has to realize and respect the relationship and the concern of the petitioner towards her own children, who have expressed their willingness to see their mother along with father. Therefore, at this stage, the petitioner has every right to visit her children, which the respondent has also conceded.

14. In view of the discussions supra, this court is inclined to grant only the visitation rights to the petitioner on the first Saturday of every month and also on the birth days of the children with conditions. These points are answered accordingly.

**In the result, this petition is partly allowed without costs as follows:**

- 1. The respondent is directed to produce minors (1) N. Prajith Vikashkripa, (2) N. Nilaani Jesicca, and (3) N. Vibash Shahith Kemuel to the petitioner at the Office of the District Legal Services Authority, Tiruvallur on the first Saturday of every month between 2.30 PM to 5.00 PM in the presence of Secretary, District Legal Services Authority, Tiruvallur.**

2. **The petitioner is given liberty to interact with minor children at the above place and time.**
- 3 **The respondent, at the time of the interaction of petitioner with his minor children shall accompany the children, but should not give trouble to the petitioner and the minor wards.**
- 4 **Both the petitioner and respondent shall act with best interest of the minor wards.**
5. **The petitioner and the respondent shall ensure that during the visiting hours, the minor wards should not be subjected to any mental agony.**

Dictated to the Steno-Typist, transcribed by him, corrected and pronounced by me in the Open Court, on this the 27<sup>th</sup> day of March, 2026

**PRINCIPAL DISTRICT JUDGE  
TIRUVALLUR**

Petitioner and respondent side witnesses  
& Exhibits : NIL

**PRINCIPAL DISTRICT JUDGE  
TIRUVALLUR**