

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

Friday, the 10th day of April, 2026

I.A.1/2025 IN IDOP.152/2024
(CNR No. TNTR010049082024)

M. Surliyammal,

....Petitioner

Versus

S. Sekar,

.....Respondent

This Petition coming on for final hearing on 26.03.2026 in the presence of M/s G. Dharoga, A. Dhanraj, learned counsel for the Petitioner and M/s T. Arivarasan M.P. Surulirajan, Arunkumar, 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 and Act 1890 to grant visitation rights to the petitioner to visit her grandson S. Magizharasan , in the nearby place either in Park or in Temple for every Friday and Saturday at evening from 5.00 PM to 7.00 PM

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

The petitioner is the petitioner in the main Original Petition praying for permanent custody of the minor S. Magizharasan and direct the respondent to hand over the custody to of the minor child to the petitioner. The marriage

between the petitioner's daughter and the respondent was performed on 06.02.2017 as per Hindu rites and customs, before both family members in Shree Murugan Palas Thirumana Mandapam, Chennai-74 and out of the wedlock, one male child S. Magizharasan was born on 03.10.2021. After the marriage, the respondent and petitioner's daughter were living peacefully. The petitioner always treated the respondent as their own son and exhibited love and affection to the grandson S. Magizharasan. The petitioner's daughter M. Nirmala was suffering due to cancer and she was admitted in Cancer Hospital on 06.10.2023 and diagnosed with blood cancer and the petitioner and her husband spent about Rs.12 lakhs for the treatment, but eventually she died on 04.12.2023 succumbing to the cancer at Adyar Institute, Chennai. The respondent never spent even a single pie for the treatment of her daughter and respondent's attitude towards her daughter was terrible and caused mental pain. Though the petitioner tried to visit her grandson S. Magizharasan many times, but the respondent deliberately refused the petitioner to visit the child inspite of many panchayat held in this regard. All her efforts to see the child went in vain, hence she has filed the original petition seeking permanent custody. The petitioner has not seen the child more than a year. Hence, this petition to visit the child every Friday and Saturday between 5.00 PM to 7.00 PM.

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

The respondent resisted the petitioner contending that the petitioner has two daughters Nandhini who is having two kids, one Kalaiarasan and Vijay. The

2nd daughter was late. Narmada @ Nirmala , who is the wife of the respondent and she died due to blood cancer leaving minor S. Magizharasan and the respondent as her legal heirs. At the same time, the respondent has one brother Azhagar Raja and he is having two female child Nirmala and Sadhana. Hence, minor S. Magizharasan is the only male heir to the whole family of respondent. The respondent's whole family pays their full attention, love and affection and maintains the child in good manner which is known to all. The petitioner never behaved as grandmother to the child S. Magizharasan and always conducted in a harsh manner intimidating manner which gives fear to the child . If the petitioner behaved to the child in a kind manner, the child will reciprocate the same . But, the petitioner is different and she has intention of separating the child from the respondent and there is no love or affection towards the child. Her main aim is to seize the child form the custody of the respondent, and to harass the respondent. This petition is unlawful as the respondent is the natural guardian and showed all kinds of love and affection. This petition has no sanctity and the same has to be dismissed. If the petition is allowed, the child will have serious complications and also studies of the child . Child's welfare is the paramount consideration in respect of guardianship petitions, hence prayed to dismiss this petition.

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 visitation rights to the petitioner upon the minor child S. Magizharasan as prayed for ?**

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

6. **POINTS:**

Heard both side.

This petition is filed by the petitioner/maternal grandmother, seeking visitation rights to visit the child S. Magizharasan on every Friday and Saturday between 5.00 PM to 7.00 PM.

7. On perusal of records and points put forth by both counsel, it is seen that main original petition was filed by the petitioner, who is the maternal grandmother of the minor child S. Magizharasan from the custody of the respondent/father

8. The case of the petitioner is that the marriage between petitioner's daughter Nirmala and respondent was performed on 06.02.2017 and they begotten the one male child, S. Magizharasan born on 03.10.2021. After the birth of the child, the petitioner's daughter, i.e. mother of the minor child and wife of the respondent Nirmala died due to blood cancer on 04.12.2023. After the death of the mother, the minor is under the custody of respondent, who is the father of the child. While so, the petitioner who is the maternal grandmother filed the original petition seeking permanent custody of the child on various grounds. Pending the original petition, this petition is filed by

petitioner/grandmother to have visitation rights upon the child on every Friday and Saturday from 5.00 PM to 7.00 PM.

9. Per contra, this petition is opposed by respondent contending that the respondent, being the father is the natural guardian of his minor son, S. Magizharasan and the petitioner never showed any love or affection towards the child and this petition is filed with the intention to separate the child from its father.

10. Admittedly, the minor child, S. Magizharasan is now in the custody of respondent/father. The petitioner is the maternal grandmother. While the petitioner alleges that the respondent has denied the petitioner to visit her minor grandson, the respondent accuses her that she never showed any love or affection towards the child.

11. Admittedly, the mother of the child, i.e. daughter of the petitioner is died in the year 2023 and since then the petitioner alleges that the respondent is refusing the petitioner to visit the child. When the petitioner alleges that the respondent denied her visitation rights, he alleges that the petitioner having rude behaviour towards the child. In view of the above said contentions of both parties and also since two years are already passed since the daughter of the petitioner died, this Court wanted to have interaction with the child to ascertain their willingness for the plea of the petitioner to for the visitation rights as sought for. Accordingly, this Court interacted with the minor children on 26.03.2026 in the chamber. The minor child has expressed during the interaction that he had very little acquaintance with the petitioner as

grandmother, but expressed his willingness to see his grandmother. It appears that the minor child is happy with the custody of respondent /father, but agreed to see the grandmother /petitioner, in the presence of the respondent/father.

12. The minor child is now aged about 5 years old. The respondent does not dispute the visitation rights of the petitioner herein as maternal grandmother of the child and the minor ward apprehend to see the petitioner. This Court has ascertained the fact during the interaction with the minor wards that the minor child has expressed in words that he is comfortable with the father, the respondent. However, the child has also agreed to see his maternal grandmother/ petitioner. The petitioner is none other than the maternal grandmother of the minor child. Therefore, this Court has to realize and respect the relationship and the concern of the petitioner towards her minor grandson, who has agreed to see his grandmother along with father. Therefore, at this stage, the petitioner has every right to visit her grandson, which the respondent has to accept.

14. The petitioner has sought for visitation rights on every Friday between 5.00 PM to 7.00 PM. However, it is ascertained that the petitioner is working and he has to attend both his job and the child. Therefore, considering the age of the minor ward and the position of the respondent, it would not be feasible for the respondent to produce the child on every Friday and Saturday evening. The custody of the child is with his father. Therefore, this Court is inclined to given visitation rights to the petitioner/maternal grandmother once in two months on every First Saturday.

14. In view of the discussions supra, this court is inclined to grant visitation rights to the petitioner on the first Saturday once in every two months 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 minor S. Magizharasan (born on 03.10.2021) to the petitioner at the Office of the District Legal Services Authority, Tiruvallur on the first Saturday once in two months 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 child at the above place and time in the presence of the respondent.**
- 3. The respondent, at the time of the interaction of petitioner with his minor child shall accompany the children, but should not give trouble to the petitioner and the minor ward.**
- 4. Both the petitioner and respondent shall act with best interest of the minor ward.**
- 5. The petitioner and the respondent shall ensure that during the visiting hours, the minor ward 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 10th day of April , 2026

**PRINCIPAL DISTRICT JUDGE
TIRUVALLUR**

Petitioner and respondent side witnesses
& Exhibits : NIL

**PRINCIPAL DISTRICT JUDGE
TIRUVALLUR**