



A. 5525 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2024

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THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

A. 5525 of 2024

IN

OP. 669 OF 2024

VIJAYALAKSHMI

W/O.SRIDHAR, OLD NO.11/1, NEW NO.34, GANGAI AMMAN
KOIL, 1ST STREET, KAMARAJAPURAM, VELACHERY,
CHENNAI - 600 042.

APPLICANT(S)

Vs

S.KARTHICK

S/O.SEKAR, NO.4/25, PONNIYAMMAN KOIL, 1ST STREET,
ALAPAKKAM, CHENNAI - 600 116.

RESPONDENT(S)

For Applicant(s):

M/S.VIJAYALAKSHMI RAJARATNAM
R.MURUGAN
M.SATHISH
RAJAGOPAL VASUDEVAN
M.ELLAKKIYA
P.THAMIZHVENDAN
T.M.ANSEL LEWIS

For Respondent(s): Mr.V.V.SAIRAM

ORDER

This application is filed by the maternal grandmother of the minor child namely Thanmayi

(Date of Birth: 14.02.202) seeking temporary custody of the minor child.

2. The short points canvassed in this matter is that the mother of the minor child who is the



daughter of the petitioner herein has committed suicide and the criminal case is pending against the father who is the respondent. The minor girl child is now 3½ years old has to be

admitted in formal education school, but for the said purpose, it appears that the School

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Authorities need guardianship certificate, since the father who is not fit to be the guardian and criminal original petition is pending. Hence, the learned counsel appearing for the petitioner submits that the application for the temporary custody to be granted.

3. The learned counsel appearing for the respondent submits that after the death of the daughter, criminal complaint been given with exaggerated fact and the criminal case been contested by the respondent. Pendency of the criminal case cannot deprive the father having right of custody and choice of taking care of the child and giving her the appropriate education. The learned counsel further submits that he will make arrangement for the admission of the child and declare him as the guardian of the child and to pay all the necessary fees.

4. This Court after hearing the submissions and the records produced finds that at this juncture, till the disposal of the criminal case and the G.W.O.P.No.669 of 2024, the custody of the child cannot be disturbed which is now with the petitioner herein. Also since he has to be put in school for her formal education for want of consent by the father, her right to education cannot be put to peril.



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5. The records indicates that the petitioner has already admitted the minor child in Kinder garden School and she has completed it successfully on 17.02.2024. For the further

pursuing the study, application for admission in Palvathika-I been made by and

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acknowledgement for registration dated 15.04.2024 is produced.

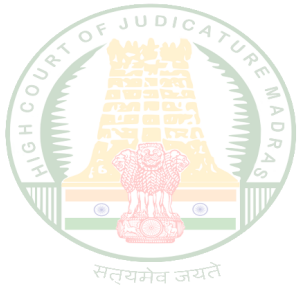
6. In view of the said fact, this Court is of the opinion that the education of the minor child cannot be curtailed or deprived for any reason more so for the non-cooperation of the respondent. Hence, the petitioner is permitted to make all arrangement for admission of the minor child in the school and the School Authorities shall not insists upon the consent of the respondent.

7. This Order is passed taking into consideration of the welfare of the child and it will not enure any right what so ever either to the petitioner or the respondent in respect of their rival claim regarding guardianship over the minor child.

8. Post the matter on 09.01.2025 for filing counter.

09-12-2024

To
1. S.KARTHICK
S/O.SEKAR,
NO.4/25, PONNIYAMMAN KOIL,
1ST STREET, ALAPAKKAM,
CHENNAI - 600 116.



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