



CRP(MD). No.2971 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.02.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.2971 of 2025
and CMP(MD).No.16920 of 2025**

D.Rajabharathi ... Petitioner
Vs.

S.Gopinath ... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order, dated 12.08.2025 passed in I.A.No.2 of 2025 in G.W.O.P.No.27 of 2025 by the learned Family Court, Madurai and grant the interim custody of two minor children named G.R.Anbuselvan (aged 13 years) and G.R.Rakshitha (aged 10 years) to the petitioner.

For Petitioner : Ms.S.Amutha Bharathi

For Respondent : Mr.R.Gandhi, Senior Counsel,
for M/s.Gandhi Associates

ORDER

This petition has been filed to set aside the order, dated 12.08.2025, passed in I.A.No.2 of 2025 in G.W.O.P.No.27 of 2025 by the learned Family Court, Madurai and grant the interim custody of two

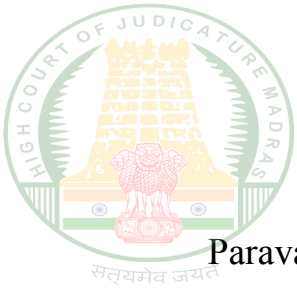


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minor children named G.R.Anbuselvan (aged 13 years) and G.R.Rakshitha (aged 10 years) to the petitioner.

2.The learned counsel for the petitioner submitted that the revision petitioner and the respondent are husband and wife. Due to the difference of opinion, they have separated and H.M.O.P. proceedings were also initiated by the husband. While so, the husband took their two children, namely G.R.Anbuselvan (aged 13 years) and G.R.Rakshitha (aged 10 years), with him and now allowed the petitioner to give her love and affection upon their children. Even the petitioner is not allowed to interact with them even through phone. In these circumstances, the petitioner filed G.W.O.P.No.27 of 2025 before the Family Court, Madurai. Pending the above-mentioned petition, the petitioner has also filed the present interlocutory application seeking interim custody of their children. But the trial court has dismissed the same without considering the contentions of the petitioner. Hence, this revision.

3.The learned counsel for the petitioner submitted that the respondent is working as a regional manager in Crompton Greaves,



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Paravai. His nature of work is to move from place to place frequently. At that time, he could not take care of their children. He also sent their children to his brother's home at Thanjavur. Hence, their studies are affected and they are studying below average. Due to the activities of the respondent, the petitioner had given a complaint before the All Women Police Station, Tallakulam, for getting custody of her children. The authorities directed her to seek remedy before the court of law. Hence, the petition.

4.The learned counsel for the respondent submitted that the petitioner is having illicit intimacy and living in adultery. Hence, the respondent filed a divorce petition in H.M.O.P.No.1676 of 2024. Due to the danger to his life from the petitioner and her paramour, he sent their children to his brother's home. Due to the petitioner's activities, they are unable to continue their studies from 11.11.2024 to 11.12.2024. In the mediation process, the children are not willing to live with the petitioner. Hence, the trial court rightly dismissed the application. Hence, there is no interference into the order passed by the trial court.



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5.Mr.R.Gandhi, learned counsel appearing for the respondent, submitted that a criminal case has also been registered in Crime No.12 of 2016 on the basis of the complaint given by the petitioner. These are the issues between the husband and wife, which literally brought the children to the courts and made their children scapegoats.

6.Ms. Amutha Bharathi, learned counsel, submitted that the love and affection of the mother cannot be taken away either by force or by compulsion or by tutoring the children, who are in the custody of the father.

7.This Court perused the records and considered the rival submissions. Whatever, the love and affection of the mother cannot be taken away just because the children are with the father's affection. It is a natural bond, and when the children are in the custody of their father or mother, the children are absolutely under the influence and will get carried away, and neither of the spouses can be projected as a villain to the children. The affection and love are natural ones, and they cannot be taken away by the judicial order. Therefore, the order passed by the trial



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court is liable to be set aside.

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8. Accordingly, this civil revision petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed. The impugned order passed by the trial court in I.A.No.2 of 2025 in G.W.O.P.No.27 of 2025, dated 12.08.2025, is hereby set aside. The mother will have custody of the children on the first Sunday of every month from 10:00 AM to 4:00 PM before the Legal Service Authority attached to this Bench till the disposal of the original G.W.O.P petition. The respondent shall bring their children namely G.R.Anbuselvan (aged 13 years) and G.R.Rakshitha (aged 10 years), on the first Sunday of every month at 10.00 a.m. before the Legal Service Authority and take back the children at 04.00 p.m., and the respondent shall not create any rockers and tute the children as against the mother.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To
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- 1.The Judge, Family Court, Madurai.
- 2.The Legal Services Authority,
Madurai Bench of Madras High Court, Madurai.
- 3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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N.SENTHILKUMAR, J.

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