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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6567 of 2026

CNR:{HCMA012442062026}

AND

CRP NO. 6568 OF 2026
&CMP NO. 28299 OF 2026



Case QR



..Petitioner(s)

Vs



Temporarily residing at



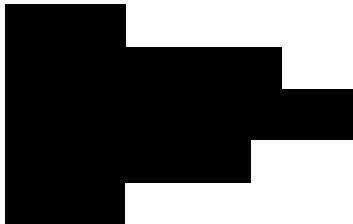
..Respondent(s)

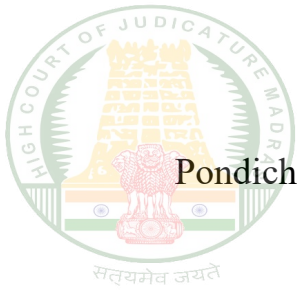


Case QR

CRP No. 6568 of 2026

CNR:{HCMA012442072026}





Pondicherry 607 402.

..Appellant(s)

Vs

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[REDACTED]

[REDACTED]

..Respondent(s)

CRP No. 6567 of 2026

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 02.09.2026 passed in IA No.3 of 2026 in GOP No.4 of 2026 on the file of the Family Court, Puducherry and thus render justice.

CRP No. 6568 of 2026

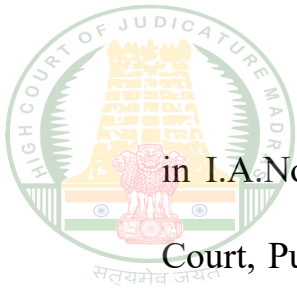
PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 02.09.2026 passed in IA No.236 of 2026 in GOP No.4 of 2026 on the file of the Family Court, Puducherry and thus render justice.

For Petitioner(s): Mr.Santhanamari M.

For Respondent(s): Mr.K.S.Karthik Raja

ORDER

These Civil Revision Petitions have been filed under Article 227 of the Constitution of India challenging the fair and decreetal order dated 02.09.2026



in I.A.Nos.3 & 236 of 2026 in GOP No.4 of 2026 on the file of the Family Court, Puducherry, wherein the application filed by the petitioner for directing the respondent/husband to handover the custody of the minor children to the petitioner and to grant interim custody of the minor children, pending disposal of the Guardian Original Petition, came to be rejected by the Court below.

2.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3.The petitioner and the respondent were married on 10.05.2019 and two children were born through the wedlock during the year 2020 and 2023, respectively. There was a matrimonial dispute between the parties and the children continued to be under the custody of the respondent/husband.

4.GOP No.4 of 2026 came to be filed by the petitioner/wife, seeking for the relief of declaring the petitioner as the permanent guardian of the children and to grant permanent custody of the minor children to the petitioner.

5.Pending the GOP, the petitioner filed IA No.3 of 2026 for a direction to the respondent/husband to immediately hand over the custody of the minor

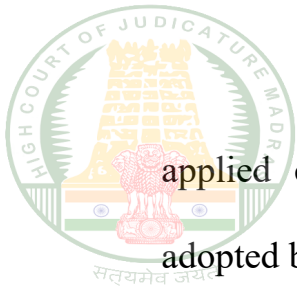


children to the petitioner and IA No.236 of 2026 was filed to grant interim custody of the minor children, pending disposal of the Guardian Original Petition.

6.The Court below dismissed both the applications on the ground that handing over of custody of the minor children to the petitioner will go against the welfare of the minor children. Aggrieved by the said order, these Civil Revision Petitions have been filed before this Court.

7.On a careful reading of the order passed by the Court below, it can be seen that the Court below took into consideration the report of the Child Welfare Committee dated 17.08.2026, which goes against the petitioner and has relied upon some judgments of the Apex Court and has come to a conclusion that the best interests of the children dictated that the interim custody of the children cannot be given to the petitioner.

8.In the considered view of this Court, to determine the welfare of the minor children, which is the paramount consideration in cases of this nature, the Court is vested with the duty to call the children and interact with them to ascertain their minds. On a careful reading of the order passed by the Court below, it is seen that no such steps were taken by the Court below and the Court below has blindly relied upon the report of the Child Welfare Committee and

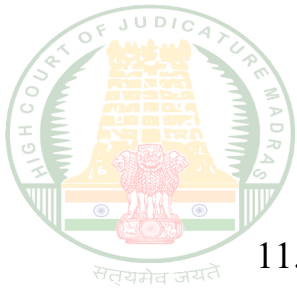


applied certain judgments and dismissed the applications. This procedure adopted by the Court below is patently illegal.

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9. When the Court deals with a case of custody of a minor, the Court virtually deals with it by getting into the shoes of the parents and such a case cannot be dealt with like dealing a case involving properties. The primary duty of the Court is to call the children and the parents and interact with them and thereafter, rely upon any other reports to corroborate its decision. The Court below has not even followed this fundamental procedure and has rejected the application only based on the report of the Child Welfare Committee. The Court cannot abdicate its duty to examine the children and pass orders based on some report received from a Committee.

10. It is even more curious that the Court below has relied upon three judgments of the Apex Court, which merely state that the children are neither mere chattels nor are they mere play things for their parents and that the Court has to deal with such cases keeping the interests of the children in mind. There is no difficulty in understanding the ratio in those judgments. But however, in order to incorporate that ratio to the facts of the present case, the Court ought to have called the children and spoken with them before taking a decision.



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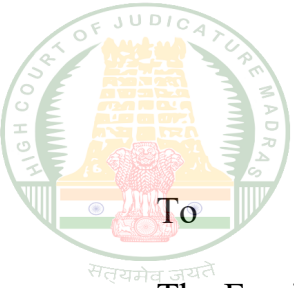
11. In the light of the above discussion, the order passed by the Court below suffers from perversity, warranting the interference of this Court and the same is hereby set aside. The matter is remanded back to the file of the Family Court, Puducherry and the learned Family Court Judge, is directed to call the children and speak with them as well as interact with the parents and take a decision in accordance with law, within a period of four weeks from the date of receipt of copy of this order. During the enquiry, the learned Family Court Judge is also directed to take a decision regarding the visitation rights which can be given to the petitioner, more particularly with respect to the second female child, aged about two years, at least by permitting the petitioner to meet the children at the Mediation Centre attached to the Family Court, Puducherry.

12. In the result, this Civil Revision Petition stands allowed in the above terms. No Costs. Consequently, the connected miscellaneous petition is closed.

13-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SSR

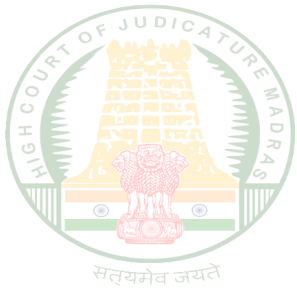
Note: Issue Order Copy on 14.10.2026



To

The Family Court, Puducherry.

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N.ANAND VENKATESH J.

SSR

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