

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

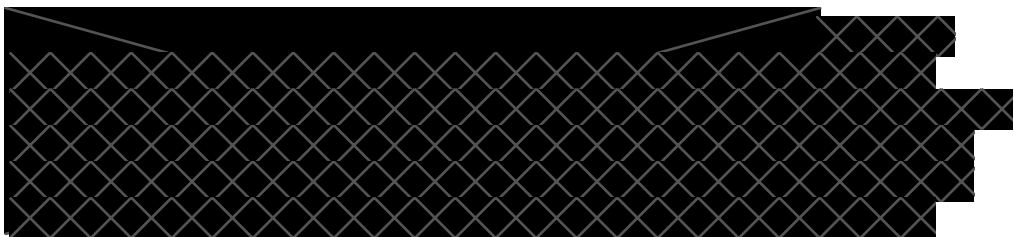
TUESDAY, THE 20TH DAY OF MAY 2025 / 30TH VAISAKHA, 1947

MAT.APPEAL NO. 398 OF 2025

AGAINST THE COMMON ORDER DATED 02.05.2025 IN IA NOS.28/2025

AND 30/2025 IN GOP NO.16 OF 2022 OF FAMILY COURT, THRISSUR.

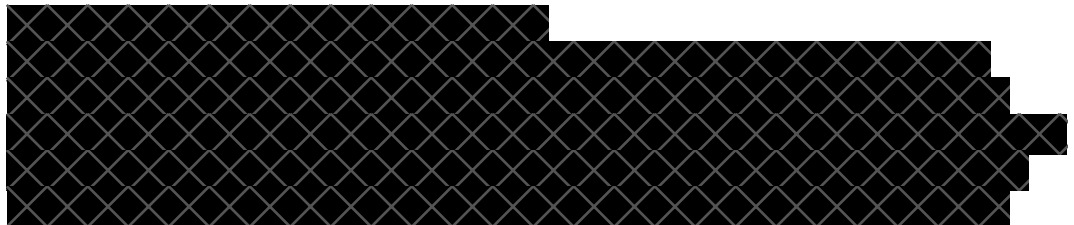
APPELLANT/RESPONDENT:



DR.V.N.SANKARJEE
V.N.MADHUSUDANAN
R.UDAYA JYOTHI
KEERTHI B. CHANDRAN
VIJAYAN PILLAI P.K.
SHILPA P.S.
UNNIKRISHNAN H.
ASWIN P.S.
SHRIYA MERLIN MAXWELL

RESPONDENTS/PETITIONERS:

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SMT.C.M.CHARISMA



2025:KER:34294

MAT.APPEAL NO. 398 OF 2025

**THIS MATRIMONIAL APPEAL HAVING COME UP FOR HEARING ON
20.05.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**



'CR'

JUDGMENT**Devan Ramachandran, J.**

This appeal virtually has run its course; and as we will presently record, no further directions may be necessary.

2. However, we take this case as an opportunity to state something that is far more important, particularly *qua* the mental and physical health of children, who are caught in the cross-fire of litigation between their parents.

3. We have delivered judgment in **Indu S. v. Thomas@Manoj** reported as [2025 (3) KHC 295] emphatically declaring that children shall not be subjected to unnecessary presence in court premises; and we have done so being fully aware that this creates deep trauma for them.

4. However, in the case at hand, we see that when the learned Family Court made an arrangement regarding the interim custody of the child involved, the exchange was directed to be done at a police station. In our view, this is worse than the child being forced to court premises and spaces and are sure that it requires no further expatiation or restatement. In



that view, and particularly advertent to the directions issued in **Indu S.** (*supra*), we fail to understand how the learned Family Court could have directed the child to be handed over in interim custody from a police station. We certainly cannot find favour with this.

5. Coming back to the other issues involved, the child in question was directed to be given in interim custody to the father from 02.05.2025 till 26.05.2025. The impugned order specifies that the child will be returned to the mother – the appellant herein, by producing her at 11 a.m. on 27.05.2025 before the Court. Obviously, further custody arrangements with respect to her will have to be thought of and worked out by the learned Court in due course.

6. We are cognizant that the mother has challenged the impugned order, asserting that the child is not safe with the father during the time frame fixed in it. However, since it is unreservedly admitted before us by both sides that the child has been with the father from 05.05.2025 until now; and since, as we have said above, the order itself provides that the child will be brought back to the Court on 27.05.2025, we find little cause for us to intervene at this stage.



7. Needless to say and to reiterate, any further arrangement with respect to the child, including interim custody, shall be considered by the learned Family Court on 27.05.2025, after adverting to both sides.

8. This appeal is thus dismissed; however, we deem it necessary that the learned Family Courts are directed not to create arrangements with respect to custody of children — be that permanent or interim — involving police stations in any manner. This direction shall be read in conjunction to our orders in **Indu S.** (*supra*).

We direct the Registrar General of this Court to ensure that these directions are made known to all the Judges of learned Family Courts peremptorily.

Sd/- DEVAN RAMACHANDRAN
JUDGE

Sd/- M.B. SNEHALATHA
JUDGE

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