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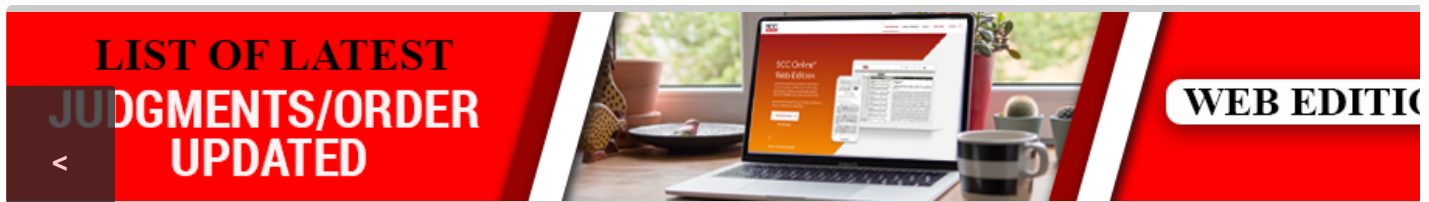
Couples may be divorced as husband and wife, but never as parents, their responsibilities continue for life: Kerala High Court

"The way out in our minds is that the parents must find peace with each other and be involved with the child's progress together as partners."

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Kerala High Court: In a contempt case filed by a father under the impression that the mother is not allowing the child to interact with him, in spite of the directions in the judgment earlier delivered, the division bench of **Devan Ramachandran*** and M.B. Snehalatha, JJ. issued the following directions:

- (a) The contempt case was closed.
- (b) The father was granted full liberty to participate in the child's therapy sessions and to monitor her educational progress and personal life. However, the Court made it clear that this must be done without causing the child any distress, and with the understanding that the father's obligation was to provide her with the utmost care and protection, free from any threat or intimidation.

The Court observed that the ongoing dispute between the parents regarding the child was indeed unfortunate. It emphasised that the child required every possible care and support from both parents, offered unconditionally and without reservation. The Court clarified that its concern lay not with the rights of the parties, but solely with the rights of the child. It noted that the child was entitled to the presence and care of both her parents as she grew up, especially given her need for special attention and therapy.

Referring to *Indu S. v. Thomas*, 2025 SCC OnLine Ker 2548, the Court remarked that parties involved in matrimonial litigation often overlooked the emotional and psychological impact their actions had on the child. It stated that the present case was a stark example of this. In this case, the Court had allowed the father to spend time with the child. However, the child refused to even make eye contact with him, despite repeated encouragement and persuasion by the Court. When asked to spend a few moments alone with the father, the child ran to her mother and clung to her, refusing to let go. The Court noted that the child appeared deeply attached to her mother, not only as a parent but also as a primary caregiver. It surmised that the possibility of the litigation resulting in adverse consequences for the child have been troubling the child.

The Court stated that the way forward, in its view, was for the parents to find peace with each other and to be jointly involved in the child’s development as partners. Though they may have been divorced as husband and wife, the Court emphasised that they could never be divorced as parents. Their responsibilities toward the child, it noted, would continue for as long as they lived, regardless of the status of their marital relationship.

Accordingly, the Court opined that, while it may be appropriate to close the contempt proceedings, both parents must be given equal opportunities and freedoms to participate in the child’s life and progress, particularly in matters concerning her therapy and education.

[Navin Scariah v. Priya Abraham, 2025 SCC OnLine Ker 3941, decided on 17-06-2025]

Advocates who appeared in this case :

For Petitioner: Smruthi Sasidharan, V.P.Brijesh

For Respondent: V.Philip Mathews, Athulya Sebastian, Aby Skaria

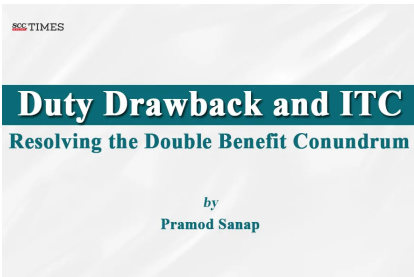
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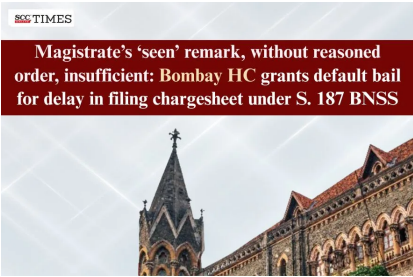
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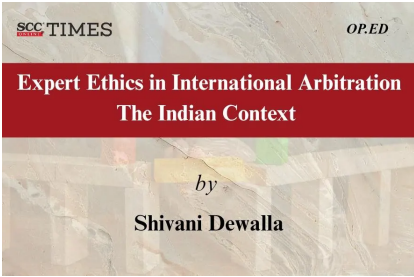
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