

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

C.R.P.NO.4482 OF 2015

ORDER

Heard both the counsel.

2. The petitioner herein is the wife and the respondent is her husband. The husband filed G.W.O.P.No.673 of 2014 on the file of XIV Additional District Judge – cum – Additional Family Court, Vijayawada for appointing him as guardian of the minor children and to grant permanent custody of the children. Pending the petition, he filed I.A.No.745/2015 in O.P.No.673/2014 for granting interim custody of the children for five days in a week. By order and decree dated 29.9.2015, the trial court allowed the I.A. Aggrieved by the same, the wife filed the present revision.

3. From the material on record, the undisputed facts are that the petitioner and respondent had inter-caste love marriage on 30.11.2007 and out of their wedlock, begot two children viz., Gopiseti Lakshmi Narasimha Saketh and Gopiseti Sri Sai Karthekeya, who are aged about 7 and 5 years respectively and the elder son is suffering from Sensory Neural Hearing Loss and the younger son is suffering from Hypoxic Ischemic Encephalopathy i.e, he cannot have free movement of right hand and right leg. The relation between the parties strained and both the are living separately and the children are living with mother. As per the advice of doctor, taking the children regularly for treatment is unavoidable. It has come on record that the respondent – husband is taking the children to school and treatment centre. The trial court noticed that the elder son is taken to school at 8.30 a.m. and classes are up to 4-30 p.m. and directly from School at Vijayawada, he is taken to Guntur for treatment thrice in a week i.e., on Tuesday, Thursday and Saturday, and returns to Vijayawada at 7.00 p.m. and then to tuition up to 8.30 p.m. and the younger son returns from school and tuition at 6.00 p.m. and he is taken to physiotherapy centre daily from 6 to 8 p.m. Considering these

facts and circumstances, the trial court found that the respondent – father can adequately handle the treatment of the children. Therefore, considering the welfare of the children, which is paramount while deciding the custody of the children in matrimonial dispute, and as an interim measuring pending the main petition, the trial court granted custody of the children to the respondent – father for five days i.e., from Monday to Friday and two days i.e., Saturday and Sunday to the petitioner – mother. In view of these circumstances, I do not find any reason to interfere with the impugned order of the trial court and the revision is devoid of any merit and the same is liable to be dismissed and accordingly dismissed.

4. At this stage, the learned counsel for the petitioner submitted that the petitioner – wife may be given visiting rights during the custody of the children with the respondent – husband. Having regard to the relationship between the parties, the petitioner – wife is permitted to visit the children during their stay with the respondent – husband.

5. No order as to costs.

6. Miscellaneous petitions pending if any, shall stand closed.

AVS

11—12—2015