

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.2090 OF 2015

ORDER:

Heard learned counsel for the petitioners and the respondent, who appeared in person.

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by respondent Nos.1 and 3 in F.C.O.P.No.478 of 2014 on the file of Family Court, Secunderabad, aggrieved by the order dated, 22.05.2015, passed in I.A.No.552 of 2014 in the said O.P..

For the sake of convenience, the parties are hereinafter referred to as arrayed in the I.A.

Respondent No.1 is the wife and respondent Nos.2 and 3 are the children of petitioner. Petitioner filed the aforesaid O.P., under Section 25 of the Guardians and Wards Act, 1890, claiming custody of the minor children/respondent Nos.2 and 3. During pending of the proceedings, respondent No.2 attained the age of majority. In the said O.P., petitioner filed the present I.A. seeking visitation rights over the minor child, alleging that he and respondent No.1 lived happily for about 15 years, but due to certain circumstances mentioned by him in the main petition, respondents were living separately and respondent No.1 – wife is not allowing him to visit respondent Nos.2 and 3. The trial Court, by impugned

order, dated 22.05.2015, allowed the I.A. in part granting visitation rights to the petitioner to visit and interact with respondent No.3 in the Court premises, in the presence of Advocate Commissioner, on every Second Saturday from 02:00 PM to 05:00 PM and directed respondent No.1 – wife to bring respondent No.3 on every Second Saturday at 02:00 PM to the Court premises, so as to enable him to visit and interact with the petitioner.

In this revision petition, it is submitted by the learned counsel for respondent No.1 – wife that when the child was examined in the Court, he was not inclined to visit his father and in spite of the same, visitation rights were granted.

Merely because respondent No.3 has not evinced any interest in visiting and interacting with his father in the Court, that by itself is not a ground to reject visitation rights to the petitioner, when the rights are given to visit the child only on Second Saturday of every month from 02:00 PM to 05:00 PM. In that view of the matter, I do not find any illegality in the impugned order, so as to interfere with the same in this revision petition filed under Article 227 of the Constitution of India.

Accordingly, the revision petition is dismissed. Miscellaneous Petitions, if any, pending in this revision

petition shall stand closed. No costs.

R.SUBHASH

REDDY, J
July 03, 2015
MD