

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA
RAO**

CIVIL REVISION PETITION No.3709 of 2014

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ORDER:
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This Civil Revision Petition is filed challenging the order dt.26-08-2014 in G.W.O.P.No.181 of 2014 of the Principal District Judge, West Godavari at Eluru.

2. The 1st respondent herein filed the said O.P. under Sections 6 to 8, 11, 15 and 17 of the Guardians and Wards Act to appoint her as the guardian to person of the minor by name Gutta Srikar, who is in the custody of the parents of petitioner or in the alternative, to direct the petitioner and her parents to send the minor to her house at least a week during holidays and on weekends.

3. By docket order dt.26-08-2014, the Court below directed the petitioner to produce the minor ward before the Court by 10-10-2014 on the ground that 1st respondent intends to see the minor.

4. This order has been passed even without any application by 1st respondent, without service of any such application on

petitioner and without hearing the petitioner's objections thereto.

5. Challenging the same, this Revision is filed.

6. The learned counsel for petitioner contended that such an exparte order, even without an application being filed for the said relief, could not have been passed and that considering the age of the ward, the petitioner is the only person, who could have his custody. It is also contended that 1st respondent never attempted to see the ward at any time and with false allegations, O.P. has been filed. The other contentions on merits are also raised.

7. The learned counsel for 1st respondent refuted the above allegations and contended that because 1st respondent is the paternal grand mother, she is entitled to see the minor and at the request of 1st respondent, the impugned order has been passed.

8. The learned counsel for 1st respondent has not disputed the fact that this order has been passed without even any application filed in that regard by 1st respondent or the 2nd respondent in the O.P. It is not proper for the Court below to pass such an order even without any application being filed by 1st respondent or 2nd

respondent for such relief and without hearing the petitioner's objection thereto. Therefore, the impugned order cannot be sustained.

9. This Civil Revision Petition is accordingly allowed and the impugned order dt.26-08-2014 in G.W.O.P.No.181 of 2014 of the Principal District Judge, West Godavari at Eluru is set aside. No costs.

10. However, it is open to respondents to seek any direction for visitation rights concerning the minor child pending disposal of the O.P. and if such application is filed, after issuing notice of such application to petitioner and hearing her objections, if any, the matter may be decided in accordance with law. No costs.

11. As a sequel, miscellaneous petitions pending, if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 12-06-2015

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