

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.3506 of 2015

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.01.05.2015 in I.A.No.291 of 2015 in O.P.No.157 of 2014.

2. The petitioner herein is the husband of 1st respondent. They have two children who are minors, getting education in the 3rd respondent school and their custody is with the petitioner.

3. The 1st respondent filed O.P.No.157 of 2014 on the file of II Additional District Judge, Jagtial, Karimnagar District to declare that she is the guardian of the persons of the minors, and to direct the petitioner to hand over custody of the minors to her.

4. Pending the O.P., she filed I.A.No.291 of 2015 seeking interim custody of the children till the disposal of the O.P. contending that children are closely attached to her from their birth and separation from them is causing her lot of agony; petitioner was not looking after the minors properly and not even providing medical treatment to them when they suffer from ill-health; petitioner was obstructing the visitation by 1st respondent of the minors; and this has seriously affected her health.

5. This application was opposed by petitioner contending that it was the 1st respondent who deserted the company of the minors and left them with him and went away to her parents' house; that he had joined them in the 3rd respondent school and providing education to them; and if their custody is handed over to 1st respondent, their education would be spoiled.

6. By order dt.01.05.2015, the Court below allowed the said I.A. and directed the petitioner to hand over custody of minors on the evening of every Saturday by bringing them to Jagtial and to take them back from the custody of 1st respondent on the evening hours of Sunday.

7. Challenging the same, the present Revision is filed.

8. Heard Sri V.V. Ramana Rao, counsel for petitioner. None appears for respondents.

9. The counsel for petitioner contended that the 1st respondent is not at all interested in the welfare of minors; she is not entitled to interim custody; the arrangement of interim custody made by the Court below is disrupting the education of the minors; and that the 1st respondent was ill-treating the minors.

10. The fact that 1st respondent is the mother of the minors is not disputed by petitioner. In matters such as the present case, where visitation rights are involved and visitation rights are granted to one parent, the court would keep in mind the interest of the minors and the fact that children are entitled to the affection of both parents.

11. In my considered opinion, the Court below had taken into account this consideration and allowed the children to meet the 1st respondent once every week. If there are any difficulties in the implementation of this order, the petitioner is at liberty to approach the II Additional District Judge, Jagtial, Karimnagar District for appropriate modification thereof by placing material warranting such modification.

12. Giving liberty to the petitioner to do so, this Revision is dismissed, since this Court did not find any merit in the same. No order as to costs.

13. As a sequel, miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 28.08.2015

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