

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELENGANA AND THE STATE OF
ANDHARA PRADESH

C.R.P.No.672 of 2015

Between:

Dr.Sagiraju Ramakrishnaraju

.....Petitioner

and

Smt.Sagiraju Sunitha

.....Respondent

Date of Judgment pronounced : 17-08-2015

SUBMITTED FOR APPROVAL:

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

1. Whether Reporters of Local newspapers : Yes/No
May be allowed to see the judgments?
2. Whether the copies of judgment may be marked :
Yes/No
to Law Reporters/Journals:
3. Whether The Lordship wishes to see the fair copy : Yes/No
Of the Judgment?

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

C.R.P.No.672 of 2015

ORDER:

Heard Sri G.Ronald Raju, learned counsel for the

petitioner and Sri KVL Narasimha Rao, learned counsel for the respondent.

2. This Revision Petition is filed challenging the order dt.31-12-2014 in I.A.No.1104 of 2014 in G.W.O.P.No.278 of 2014 of the Principal District Judge, West Godavari at Eluru.

3. The said O.P. was filed by the petitioner seeking custody of the two minor children by name Sagiraju Venkata Satya Sai and Sagiraju Yashaswin Sai who are his children and who are in the custody of the respondent who is his wife. Pending the said O.P., he also filed I.A.No.1104 of 2014 seeking interim custody of the said children and proposing to admit the children in Navy Children School, Visakhapatnam as he is employed in the Indian Navy and posted at Visakhapatnam.

4. The respondent contested the I.A.No.1104 of 2014 making certain allegations against the petitioner.

5. Before the Court below, the petitioner marked Exs.A-1 to A-8 and respondent marked Exs.B-1 to B-23.

6. By order dt.31-12-2014, the Court below held that interest of the minors is paramount consideration and merely because the petitioner had a good financial capacity, it is not a ground to disturb the children from their mother's custody when their performance in education is

good. It observed that the question whether the respondent is acting adverse to the interest of the minors is a matter for enquiry in the O.P. and that both parties should get ready in the main O.P.

7. Challenging the same, this Revision Petition is filed.

8. It is not disputed by both sides that the O.P. had been filed in the year 2014 and the trial in the O.P. is concluded and the matter is coming up for arguments. Since the academic year this year has already commenced and the children are presently being educated in Bheemavaram, if at this stage they are disturbed, it could interfere with their education and it would not be in the interest of either party since they are very serious about good education for their children.

9. In this view of the matter, this Court does not intend to go into the merits of the contentions of either side in this Revision Petition.

10. Therefore, the Principal District Judge, West Godavari District, Eluru is directed to dispose of the G.W.O.P.No.278 of 2014 on her file as expeditiously as possible since the trial has concluded therein, preferably, by the end of December 2015.

11. With the above observations, the Civil Revision Petition is disposed of. No costs.

12. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 17-08-2015

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