

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.4342 OF 2015

ORDER:-

This Civil Revision Petition is filed by the petitioner/husband under Article 227 of the Constitution of India aggrieved by the docket order, dated 18.09.2015, in I.A.No.515 of 2015 in F.C.O.P.No.576 of 2015 on the file of the Judge, Family Court, Secunderabad.

2. Petitioner herein is the husband and the respondent herein is the wife in the aforementioned application. The respondent filed the aforementioned application before the Court below under Sections 12 and 25 of the Guardians and Wards Act, 1890 read with Section 151 of the Code of Civil Procedure, 1908 praying the Court to direct the petitioner to hand over the interim custody of the minor children to her or to grant visiting rights permitting her to visit the minor children.

3. By the aforesaid order, the respondent was permitted to visit the children everyday after school hours till 5.00 P.M., and also to take the children to stay with her for half of the Dasara Vacation period. Challenging the same, petitioner has filed the present Revision Petition.

4. Learned counsel for the petitioner contended that the timings fixed by the Court below are not workable as they are disturbing the study time and play time of the children, and that without hearing the petitioner, the impugned order was passed.

5. Learned counsel appearing for the respondent stated that the children are very much attached to the respondent, who is their mother, and they are inclined to come to the respondent. At the same time, it is admitted that pursuant to the impugned order, the children were handed over to the respondent on 12.10.2015 and since then, they are staying with her.

6 In view of the allegation made by learned counsel for the petitioner that the timings fixed for visiting the minor children by the respondent appears to be not practical as

they are disturbing their studies and play, this Court is of the view that it is a fit case for reconsideration of the matter.

7. Therefore, the impugned docket order, dated 18.09.2015, is set aside and the matter is remanded to the Court below for fresh consideration in accordance with law. At the same time, as it is stated that Dasara Vacation has started and the children are with the respondent, they are permitted to stay with her up to 19.10.2015 and on 19.10.2015, she shall hand over the custody of the children to the petitioner. For the rest of the Dasara Vacation, they have to stay with the petitioner. However, the visiting hours, as fixed by the Family Court in the impugned order, will be subject to the further orders that would be passed by the Family Court.

8. Accordingly, the Civil Revision Petition is allowed in part. There shall be no order as to costs.

9. Miscellaneous Petitions pending, if any, in this Civil Revision Petition shall stand closed.

JUSTICE R.SUBHASH REDDY

Date: 14.10.2015

AMD

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Dated: 14.10.2015

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