

HONOURABLE SRI JUSTICE RAJA ELANGO
CIVIL REVISION PETITION No:4753 OF 2016

ORDER:

1. This revision petition is filed by the petitioner aggrieved by the docket order dated 23.8.2016 passed in I.A.No.604 of 2016 in O.P.No.54 of 2016 by the Senior Civil Judge, Amalapuram, East Godavari District.

2. Originally, the respondent-husband filed the above O.P. against the petitioner-wife seeking to grant decree of divorce by dissolving their marriage. The same is pending. While so, the respondent-husband filed the above application in the above O.P. seeking to appoint an advocate commissioner to take physical custody of his child-Aradhya Varma Saripella from the house of his mother-in-law. The learned Senior Civil Judge passed ex parte order appointing a team of advocates as Commissioners to bring the child with the custodian of the child during the working hours of the Court during working days on or before 31.8.2016. Aggrieved by the same, the petitioner-wife filed this revision.

3. Heard and perused the material available on record.

4. Learned Counsel for the petitioner submitted that the child is aged about one and half year old and that the mother is the custodian of a minor child and that the Court below passed the order without giving any notice to the petitioner and that the above application filed by the respondent-husband is not maintainable.

5. Considering the facts and circumstances of the case, this Court is of the view that the above I.A. filed by the respondent-husband in the above O.P. is not maintainable and consequently, the order under revision shall stand

cancelled. However, the respondent-husband is at liberty to approach the appropriate Court by filing appropriate application.

6. Accordingly, the Civil Revision Petition is allowed. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Date: 28th September, 2016
Nn.



HONOURABLE SRI JUSTICE RAJA ELANGO



28.09.2016

Nn.