

THE HON' BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON' BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.39201 of 2016

Date:15.11.2016

Between:

Ravipati Venkata Murali Krishna,
S/o. R.Kesavaiah, aged about 50 years,
Occ: private employee, r/o. H.No.50102,
Hindu Fortune, 11th phase,
KPHB, Hyderabad.

.. Petitioner

and

The State of Telangana,
Represented by its Chief Secretary,
Secretariat Buildings,
Hyderabad,
and others.

.. Respondents

Counsel for the Petitioner: Mr. K.Surender

Counsel for the Respondents: A.G.P. for Home (T.S)



THE COURT MADE THE FOLLOWING:

ORDER: (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for issue of *habeas corpus* by the husband of respondent No.4 in respect of his two minor children by name R.Aryan Krishna and R.Avanthika Krishna.

We have heard Mr. K.Surender, learned counsel for the petitioner, at length and perused the record.

It is borne out by the pleadings and also reflected from the submissions of the learned counsel for the petitioner that under an order passed by the jurisdictional Court under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the D.V.Act), the custody of the two minor children was granted to respondent No.4 with visitation rights to the petitioner. As respondent No.4 has allegedly taken away the minor children to Mumbai, the petitioner has filed an application for vacating the order and the said application was dismissed by the jurisdictional Court. That feeling aggrieved by the said order, the petitioner has filed Appeal No.903 of 2016 before the District Court, which is stated to be pending.

In the light of the above facts, we are of the opinion that the petitioner, having suffered an order from the competent Court under the D.V.Act, he cannot avail the present remedy to over come the said order. Having already availed the legal remedy against the order under the D.V.Act, the petitioner has to pursue the same and he cannot be permitted to avail the parallel remedies.

In this view of the matter, we do not find any merit in this writ petition and the same is, accordingly, dismissed with liberty to the

petitioner to pursue the pending appeal and avail any other remedy available to him in law for the custody of the minor children.

C.V.NAGARJUNA REDDY,J

A.V.SESHA SAI,J

15.11.2016

v v

