

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.2309 OF 2016

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, challenging the order filed by the Additional Family Court at Hyderabad in I.A.No.432 of 2015 in O.P.No.902 of 2015 on 12.02.2016, whereby the Judge, Family Court granted visiting rights of Master Amaanulla on every third Saturday of every month before District Legal Service Authority, City Civil Court, Hyderabad between 11:00 am to 1:00 p.m and directed the respondent to produce the child, so as to enable the petitioner to visit minor child.

Now, the present revision petition is filed challenging the above order. However, during hearing Smt. Farhat Firdouse learned counsel appearing for the petitioner contended that the order is to be modified in consonance with the interim order dated 17.06.2012, whereunder, this Court directed the Secretary, District Legal Services Authority, City Civil Court, Hyderabad to depute an Officer to monitor the proceedings between 11.A.M to 1.00 P.M on 18.06.2016 to ensure that no untoward incident takes place at the venue and further directed that if any untoward incident occurs.

As per the record, no untoward incident is reported till date and no doubt, visiting child in the presence of an Officer would safeguard the interests of both the petitioner and the respondent.

In normal course visiting, in the presence of Secretary, District Legal Services Authority, City Civil Court, Hyderabad, no person will dare to cause any harm to the child. Further, If the interim order issued by this Court is continued till disposal of the petition, it would be highly difficult for the Secretary to spare one such Officer to monitor the venue, as sparing an Officer for such monitoring leads to deviation from discharging his official duties. It is therefore, unreasonable to issue such direction to the Secretary to spare Officer to monitor the child at the venue. Therefore, I find no ground to modify the order passed by the Trial Court.

However, if any other person accompanied the respondent to visit the minor child, the petitioner is at liberty to report the same to the Judge, Additional Family Court, Hyderabad to take appropriate action.

In the result, the civil revision petition is disposed of.

Consequently, miscellaneous applications pending if any, shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:29.09.2016

SP