

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE A V SSHA SAI

WRIT PETITION No. 284 OF 2016

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03.02.2016

Between:

Smt. Abhignya Shesham,

Hyderabad.

... Petitioner

And

State of Telangana,

Rep. by its Principal Secretary to Home Department,

Secretariat,

Hyderabad, and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

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PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

We once again made an effort to bring the parties together, but our efforts were in vain.

Learned counsel for the parties, however, agreed for disposal of this writ petition in terms of the interim order dated 07.01.2016.

The interim arrangement made *vide* order dated 07.01.2016 reads thus:

- “a) Baby-Naga Sai Samhitha was permitted to go with 4th respondent from Court to stay with 4th respondent-father till today evening with a definite understanding that the 4th respondent by 6.00 p.m. hands over the custody of Naga Sai Samhitha to petitioner at her residence.
- b. The petitioner is permitted to have custody of the child till the next date of hearing.
- c. The 4th respondent is permitted to have access to the child and spend time with her for about 2 to 3 hours everyday preferably between 6.00 p.m to 9.00 p.m. After permitted access hours are over, the 4th respondent hands over the custody of child to petitioner.
- d. The 4th respondent is permitted to have custody of child on Saturday and Sunday i.e. 16.01.2016 and 17.01.2016. For the said purpose, the 4th respondent is entitled to take the child around 11.00 a.m. to his house and hand over by 5.00 p.m.
- e. The mother of petitioner is also present when this arrangement is accepted by the parties and having regard to the special circumstances of the case, we directed the mother of petitioner to stay with petitioner while the custody of child is given to petitioner and she has agreed to this condition.”

It is made clear that custody of the child with the mother is subject to outcome of the application for custody filed by the respondent/husband in O.P.No.2088 of 2015 before Family Court. Further, it is needless to mention that the petitioner shall continue to stay at Kukatpally along with child and her mother, if necessary, and the respondent/husband shall not disturb her possession of Flat bearing No.317, LIG, Vaddepally Enclave, Viveknagar Colony, Kukatpally, Hyderabad, pending hearing and final disposal of the proceedings before Family Court.

With these observations, Writ Petition is disposed of.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

A V SESA SAI, J

Date: 03.02.2016

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