

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**CIVIL REVISION PETITION NO.5439 OF 2016**

**O R D E R**

This Civil Revision Petition under Article 227 of the Constitution arises out of the order dated 27.08.2016 passed by the learned Judge, Family Court at L.B.Nagar, Ranga Reddy District, in I.A.No.488 of 2015 in O.P.No.1552 of 2014. O.P.No.1552 of 2014 was filed by the petitioner herein, the father-in-law of the respondent, under Section 26 of the Hindu Marriage Act, 1955 seeking custody of his minor grandson, Ch.Anvesh Reddy, the son of his predeceased son. He filed I.A.No.488 of 2015 in the said O.P seeking visitation rights to permit him and his wife to meet the child once or twice a week. By the order under revision, the Family Court dismissed the I.A. Aggrieved thereby, he is before this Court.

Heard Sri Ch.Vidya Sagar, learned counsel for the petitioner, and Sri P.Sasidhar Reddy, learned counsel for the respondent.

The petitioner's son, the husband of the respondent, died in a motor vehicle accident in the year 2009. Since then, it appears that the petitioner and his wife had no contact with their grand child who is presently aged about 11 years. The petitioner's complaint was that the grandparents were not permitted to see the child though they had love and affection for him. The petitioner also pointed out that the respondent had remarried. He therefore sought visitation rights.

The respondent contested the claim of the petitioner alleging that there were disputes between the petitioner and herself even before the death of her husband and thereafter, the petitioner completely neglected her and her child. So much so that he got filed a unilateral claim for compensation in relation to the death of her

husband under the Motor Vehicles Act, 1988, behind her back. She further stated that she alone had looked after the welfare of the child.

It appears that the custody O.P. was filed by the petitioner in September, 2014. The subject application for visitation rights was filed therein only in December, 2015. As is evident from the order under revision, the Family Court interacted with the child and recorded that he was totally disinclined to see the petitioner or visit his grandparents. The child was found to be in fear of the petitioner who was an utter stranger to him. Further, the Family Court found no evidence of the petitioner or his wife having ever provided, monetarily or otherwise, for their grandson and concluded that there were no bonafides on the part of the petitioner in seeking visitation rights at this stage.

Significantly, the grandmother of the child, the wife of the petitioner, did not choose to join her husband as a party to the O.P.

It is not in dispute that the petitioner's son, the husband of the respondent, died in the year 2009 and she remarried in the year 2014. It appears that the custody O.P. was filed only after the second marriage of the respondent. There is no evidence whatsoever of the petitioner and his wife having had any sort of contact with their grandchild after the death of their son. The fact that the child, when he was brought to Court, was shaking and crying when asked to go to the petitioner indicates the lack of familiarity between them. Having shown no interest whatsoever in their grandson after the death of their son for all these years, it is perhaps a little late in the day for the grandparents to seek to build bridges now. This Court therefore finds no grounds to interfere with the well reasoned and cogent order passed by the Family Court. It is however made clear

that the Family Court shall adjudicate the pending O.P on its own merits and in accordance with law, uninfluenced by any observations made in this order.

The Civil Revision Petition is therefore dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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**SANJAY KUMAR, J**

**9<sup>th</sup> DECEMBER, 2016**

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