

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NOS.3652 AND 3701 OF 2017

COMMON ORDER

FCOP No.1 of 2017 was filed before the learned Judge, Family Court, Ranga Reddy District, by the father of Peketi Jaswanth Reddy, presently aged about 12 years, and Peketi Akshaya, presently aged about 10 years, to appoint him as their sole guardian and to grant him permanent custody. He also sought a direction restraining the mother from interfering with the well-being of the children.

I.A.No.2 of 2017 was filed therein by the father seeking full access to the children in their school in order to verify their progress, by attending parent-teacher meetings, including necessary follow-up as a natural guardian and father. I.A.No.4 of 2017 was filed by him in the O.P. seeking a direction to pass appropriate orders for fixing visitation rights which he was entitled to as a natural guardian and father. Both these I.As were disposed of by the Family Court by common order dated 13.02.2017. Therein, the Family Court took note of the fact that there were several civil and criminal cases pending between the parents and observed that, in the light of their strained relations, the children should not be subjected to mental agony. However, being their father, the petitioner was granted the right to visit the children on every second Sunday between 10.00 AM and 1.00 PM. As regards his prayer to participate in school activities, the Family Court permitted him to attend parent-teacher meetings on invitation by the school authorities without causing any disturbance to the children, either physical or psychological. Dissatisfied with the reliefs granted to him, the father is before this Court by way of these revisions filed under Article 227 of the Constitution.

C.R.P.No.3652 of 2017 arises out of the common order in so far as it relates to I.A.No.4 of 2017 in the O.P., while C.R.P.No.3701 of 2017 pertains to I.A.No.2 of 2017 in the O.P.

Heard Sri Katta Laxmi Prasad, learned counsel for the father, and Sri J.Rajeshwar, learned counsel for the mother.

This Court interacted with both the children *in camera* and they said that they were happy staying with their mother and expressed the desire to continue to stay with her. They also expressed the desire to meet their father on Sundays.

Perusal of the common order passed by the Family Court reflects that there are disputes galore between the father and the mother. It appears that the children have also been dragged into litigation, owing to sale of the house in which they are residing with the mother. It would be advisable that both parties bear in mind that it would not be in the interest of their innocent children to be dragged into their bitter disputes. That being said, the children would still be entitled to the love, affection and guidance of both parents.

As the O.P. is pending final adjudication, this Court is only concerned with making an interim arrangement pending its disposal. The Family Court thought it fit to grant visitation rights to the father only once a month. As the children themselves expressed that they would be happy to see their father on Sundays, this Court is of the opinion that allowing him to do so on every Sunday would not disrupt or hamper their activities or lifestyle, as they are both young and would not have to devote their entire time to academics and extra-curricular activities.

The common order under revision in so far as it pertains to visitation rights is accordingly modified to the extent of permitting the

father to take the children out every Sunday from 10.00 AM to 1.00 PM. He shall however ensure that the children are returned to the mother before or at 1.00 PM without fail. In the event of default being committed in this regard, the same may be brought to the notice of the Family Court, Ranga Reddy, and it would be open to the said Court to pass appropriate orders in modification of this arrangement, taking into account the default committed.

In so far as participation by the father in school activities is concerned, Sri J.Rajeshwar, learned counsel, would fairly submit that his client has no objection to the father taking part in parent-teacher meetings and interacting with the school authorities in connection with the academics and performance of the children.

The common order under revision in so far as it relates to this aspect is also modified to the extent of permitting the father to participate in the parent-teacher meetings as and when they are held. He shall furnish his contact number to the school authorities, so that they may inform him as and when such meetings are scheduled. He may also interact with the school authorities in connection with the children's studies, academics and extra-curricular activities, but without in any manner disrupting their schedules or curriculum or causing any disturbance thereto. These arrangements shall continue to operate till the disposal of the O.P.

The civil revision petitions are disposed of accordingly. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

20th OCTOBER, 2017
PGS