

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SMT JUSTICE T.RAJANI

FCA.No.388 of 2013

Date:28.3.2017

Between:

Ch. Jyothi @ Surekha,
D/o P.V.Rama Reddy

..... Appellant

And:

Ch. Bala Krishna Reddy.
S/o Ch. Lakshma Reddy

.....Respondent

Counsel for the appellant: Mr. Ghanta Rama Rao

Senior Counsel

For Mr. Naresh Byrapaneni

Counsel for the respondent: Mr. A.Mahesh Kumar

The Court made the following:

JUDGMENT: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Family Court Appeal arises out of order and decree, dated 20.09.2013, in I.A.No.3277 of 2013 in O.P.No.92 of 2004 on the file of the learned Judge, Family Court, Ranga Reddy District at L.B.Nagar District, Hyderabad.

The appellant and the respondent are estranged couple. The respondent was granted visitation rights to see his minor daughter on every Sunday between 10 am and 12 noon at the house of the appellant, or in the alternative, if the appellant and her family members feel any embarrassment or insecurity at the hands of the respondent, the appellant was directed to bring the minor daughter to Alwal Police Station on every Sunday by 10 am and hand over the custody of the minor daughter to the respondent up to 12 noon. The respondent was also granted visitation rights to see his minor daughter on her every Birthday between 10 am and 12 noon and also on Hindu festive occasions. Earlier, this Court, by order, dated 29.6.2006, in CMA.No.441 of 2006, modified the order, dated 13.3.2006, in OP.No.92 of 2004 on the file of the learned II Additional District Judge, Ranga Reddy District, NTR Nagar, to the effect that the appellant and her family members must allow the respondent to visit his minor daughter at the residence of the appellant and the respondent can spend time with the minor daughter from

10 am to 12 noon on every Sunday and also on Hindu festive days and on every Birthday of the minor daughter.

The respondent has filed the afore-mentioned I.A. before the Family Court complaining that the appellant has not been permitting him to visit his daughter and that, appropriate directions may be issued to the appellant to permit him to see his daughter, as per the directions issued by the learned II Additional District Judge, Ranga Reddy District and as modified by this Court. By order, dated 20.9.2013, the Family Court has disposed of the said application by directing the Station House Officer, Alwal Police Station to provide police aid to the respondent to see his daughter at the residence of the appellant without any obstruction between 10 am and 12 noon on every Sunday and on festival days and on every Birthday of the minor daughter. Feeling aggrieved by the said order, this Family Court Appeal is filed by the respondent in the afore-mentioned I.A.

We have counselled both the parties and heard the learned counsel representing them.

After considering the case in its entirety, we feel that involving the Police for enforcing the visitation rights of the respondent would completely vitiate the congenial atmosphere and create bad blood among the parties. Instead, we are able to

persuade the appellant to take her daughter to a neutral convenient place to enable the respondent to spend some reasonable time on certain specific days in a month, also on festival days and on every Birthday of the minor daughter.

The appellant has filed her affidavit, dated 28.3.2017, wherein she has agreed for making available her daughter for spending time with the respondent between 1 pm and 2 pm on second Sunday of every month. However, during the hearing, the appellant has agreed to permit the respondent to spend two hours time with their minor daughter on two Sundays every month. The respondent has chosen the first and third Sundays of every month between 1 pm and 3 pm to spend time with the minor daughter. The appellant has agreed to bring the minor daughter to the Cantonment Park at Alwal and she is also agreeable for the respondent and his mother spending time with the minor daughter exclusively. She has also agreed that during that time, she will stay away from the respondent, his mother and the minor daughter. The appellant has also agreed for a similar arrangement on every Hindu festival day and also on every Birthday of the minor daughter. The respondent has agreed that if for any reason, he is unable to avail the facility of meeting his daughter on any Sunday, he will waive this facility for that Sunday and in such event, he will inform the appellant

at least 24 hours in advance through SMS/telephone. The order of the Family Court is, accordingly, modified and the Family Court Appeal stands disposed of subject to the above terms.

As a sequel to the disposal of the Family Court Appeal, FCAMP.Nos.635 of 2013 and 357 of 2015 stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE T.RAJANI

28th March 2017

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