

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE P. KESHAV RAO**

W.P.No.39545 OF 2017

ORDER: (Oral)

(Per Hon'ble Sri Justice SURESH KUMAR KAIT)

Vide the present petition, the petitioner seeks direction thereby directing the respondents to produce the petitioner's daughter namely Aradhya Varma Saripella and consequently to order custody of minor child to the petitioner.

2. Pursuant to order dated 22.11.2017, respondent No.4 is personally present in Court with her learned counsel Sri P. Raj Kumar, who has filed Vakalat on her behalf.

3. It is not in dispute that the petitioner has filed G.O.P.No.1527 of 2017 before the Additional Family Court, Visakhapatnma for custody of the child and HMOP No.917 of 2017 has been filed for Divorce before the aforesaid Court. The age of the child is 2 years 10 months.

4. It is also not in dispute that respondent No.4-mother remained in U.S. from July 2016 to October 2016 leaving minor child with her grand mother and she again left India in the month of September 2017 and returned on 10th December 2017 leaving child with her grand father in India.

5. The petitioner and the respondent are Green card holders. Minor child is U.S citizen maintaining U.S passport.

The OCI (Overseas Citizenship of India), Birth Certificate and passport of the minor child are with the petitioner-father. Respondent No.4-mother requires some documents for identity of the child, which she does not have.

6. After hearing both parties, it is agreed between the petitioner and respondent No.4, as under:

- a) As and when respondent No.4 leave the country the custody of the child will be handed over to the petitioner, if he is in India, otherwise, as per the wish of respondent No.4.
- b) After coming from abroad, immediately, the very next day, custody of the child shall be handed over to respondent No.4.
- c) Till the petitioner stays in India, he shall meet the minor child on every Saturday and Sunday from 10.00 am to 12.00 p.m. at the residence of the respondent No.4.

7. We hereby make it clear that the petitioner shall deposit original OCI, Birth Certificate and Passport of the minor child before the trial Court and certified copies of the said documents shall be handed over to the respondent No.4.

8. We further make it clear that, if for any purpose, signature of parties are required, the concerned parties shall move an application before the trial Court and get the order accordingly.

9. In view of the above, the Writ Petition is disposed of.
There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SURESH KUMAR KAIT, J.

P. KESHAV RAO, J.

Date : 13-12-2017
Gvl

