

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE T.AMARNATH GOUD**

WRIT PETITION No.41445 of 2017

ORDER : (Oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, petitioner seeks directions thereby directing the respondents 1 to 3 to produce the minor child, namely, Ganti Sudhanva Mohan, who is in illegal custody of respondent No.4.

2. It is admitted fact that the petitioner and respondent No.4 were married on 14th March 2004. They lived together till 15.11.2017 and were blessed with the son mentioned above. Thereafter, some matrimonial disputes arose between them and the petitioner went to her parents' place. On 04.12.2017, the petitioner visited the house of respondent No.4 and found that the flat was locked. She enquired the whereabouts of the child but could not get any information. Hence, she approached this Court.

3. Pursuant to order dated 12.12.2017, respondent No.4 is personally present in Court with minor son named above. He submits that there were some disputes between him and the petitioner. Therefore, the petitioner left his house. Thereafter, because of said disputes, he never wanted to stay in that locality just to show the face. Therefore, he started living at Flat No.K.207, Aparna Cyber Zone, Nallagandla, Hyderabad-500019.

4. It is not in dispute that respondent No.4 is father and natural guardian of the alleged detenu/minor child. Thus, we cannot say that the child is under illegal detention. If the petitioner wants to have custody rights of the child, she may file appropriate petition before appropriate forum.

5. Meanwhile, since the child is school-going and is in 2nd Standard, the petitioner is at liberty to visit the child on every Saturday from 4 to 6 p.m. and on every Sunday from 10 a.m. to 12 Noon. This arrangement shall continue till the parties file petition for custody of child before appropriate Court. On filing such petition, the trial Court is at liberty to pass appropriate orders regarding visiting rights.

6. With the above directions, the writ petition is closed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

T. AMARNATH GOUD, J

20th December, 2017

ajr