

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

WRIT PETITION No.41534 of 2017

ORDER : (Oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, petitioner seeks directions thereby directing respondents 4 and 5 to produce Master Sri Sanjit Kolla from the illegal custody of respondent No.8.

2. Pursuant to order dated 19.12.2017, respondent No.8 is personally present in Court with minor child named above. It is not in dispute that the child was attending classes in LKG in Daksha school till 27.11.2017. Thereafter, disputes arose between the petitioner and respondent No.8, who are husband and wife. Petitioner say, they stayed together till February 2017, whereas, the claim of respondent No.8 is that she stayed with the petitioner as wife till April 2017, and thereafter, she was necked out of the house by the petitioner.

3. It is not in dispute that the petitioner and respondent No.8 were married on 9th May 2007 and they were blessed with two sons aged about 6 years and 3 years. The petitioner and respondent No.8 were staying at Hyderabad with their children. Thereafter, respondent No.8 had taken the younger child on 27.11.2017 as alleged in the petition, and started living at Vijayawada.

4. It is not in dispute that both the children are studying in Hyderabad and younger child attended Daksha school mentioned above, upto

27.11.2017. Thus, it establishes that the said child was taken by respondent No.8 only thereafter.

5. Since there is matrimonial dispute between the petitioner and respondent No.8, for the welfare of the child, as agreed by the petitioner, the respondent No.8 shall stay with younger child at Hyderabad and the expenses for her stay and other expenses shall be taken care of by the petitioner.

6. In view of above, we hereby dispose of the present petition directing the petitioner to make arrangements for the stay of respondent No.8 along with the younger child, at Hyderabad. The petitioner will meet the younger child on every Saturday from 4 to 6 p.m. and on every Sunday from 10 a.m. to 12 Noon at the place of respondent No.8. On the date of such meeting with the younger child, the petitioner shall also take elder son with him so that respondent No.8 would be able to meet the elder son also.

7. This arrangement shall continue till the trial Court passes any orders in the pending F.C.O.P., regarding the custody of younger child in question.

8. With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

20th December, 2017

ajr

SURESH KUMAR KAIT, J

T. AMARNATH GOUD, J