

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.2020 of 2018

Date: 29.03.2018

Between:

Penki Krishna Rao

.. Petitioner

and

Songala Naga Malleswara Rao

.. Respondent

Counsel for the Petitioner : Mr.V.Surendra Reddy

The Court made the following:



Order :

This Civil Revision Petition arises out of Order, dated 13-03-2018, in IA.No.359 of 2018 in OP.No.830 of 2016 on the file of the Judge, Family Court –cum- V Additional District Judge, Visakhapatnam, whereby it has granted visitation rights to the respondent by permitting him to take the custody of his minor son- Nihaal Sai on every Sunday from 10.00 a.m., to 5.00 p.m..

Mr.V.Surendra Reddy, learned Counsel for the petitioner, submitted that the finding of the lower Court that his client has agreed for grant of visitation rights in favour of the respondent is factually incorrect. He has further submitted that while the order of injunction granted in IA.No.1890 of 2015 in OP.No.1186 of 2015 filed by the petitioner is in operation, the lower Court has committed an error in granting visitation rights to the respondent. Alternatively, the learned Counsel submitted that the order of the lower Court is ambiguous to the extent of not clarifying as to where the minor child has to be dropped by the respondent at 5.00 p.m.

As regards the first submission of the learned Counsel, even assuming that the petitioner has not agreed for grant of visitation rights in favour of the respondent, the latter being the father and natural guardian of the child cannot be deprived of visitation rights pending adjudication of the two OPs filed by the parties for grant of custody of the child.

With regard to the second submission, the order of injunction restraining the respondent from interfering with the present custody of the minor child would not preclude the Court of competent jurisdiction to confer visitation rights on him. Therefore, these two orders, which operate in different fields, do not overlap with each other.

With respect to the alternative submission of the learned Counsel, though the order under revision is not specific, it is implied from the contents of Para 12 thereof that the respondent has to hand over the custody of his minor son to the petitioner at the same place from which he has taken the custody at 10.00 a.m., *i.e.*, Door No.13-6/3/6, Sri Varaha Residency-II, G-6, Ratnagiri Nagar, Chinnamushidiwada, Opp. Visalakshi Visweswara Sivalayam, Pendurthi, Sujatha Nagar, Visakhapatnam.

Subject to the above clarification, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, IA.No.1 of 2018, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 29th March, 2018
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