

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL REVISION PETITION No.3885 of 2018

ORDER :

This Civil Revision Petition is arising out of the order dated 19.03.2018 in I.A.No.1583 of 2017 in GWOP.No.147 of 2017 on the file of the Family Court-cum-VI Additional Sessions Judge, Khammam.

The Revision petitioner is the wife and respondent is the husband. The respondent-husband has filed GWOP.No.147 of 2017 under Section 25 of the Guardian and Wards Act, seeking custody of the minor ward – Master Surya Varshith. He also filed an application in I.A.No.1583 of 2017 in GWOP.No.147 of 2017 to direct the petitioner-wife to handover the minor ward to him in holidays and festival days in order to spend time with the minor ward and to enable the minor ward to interact with the respondent and his parents by granting visiting rights. On contest, the Court below allowed I.A.No.1583 of 2017 by order dated 19.03.2018 directing the petitioner-wife to produce the minor ward before the said Court on every 2nd Saturday to enable the respondent-husband to meet and spend some time with the minor ward in the Court premises during working hours only, till disposal of the main GWOP.No.147 of 2017. Aggrieved by

the said order, the petitioner-wife has filed the present Civil Revision Petition.

Heard learned counsel for the petitioner-wife and learned counsel for the respondent-husband.

Learned counsel for the petitioner-wife submits that the petitioner is a lady, aged about 36 years, staying 200 kms. away from the jurisdiction of the Court below and hence she is unable to produce the minor ward on every 2nd Saturday before the Court below and, therefore, sought for relaxation of the condition imposed by the Court below.

Learned counsel for the respondent-husband submits that the respondent has no objection to meet the travel expenses for the petitioner-wife and sought for passing of suitable orders.

On consideration of the material on record and the submissions made by the learned counsel for the respective parties, this Court is of the considered view that both the parties may approach the Court below seeking relaxation of the condition imposed by it, upon which the Court below may consider the same and pass appropriate orders in accordance with law.

At this juncture, learned counsel for the petitioner-wife submits that two cases i.e., HMOP and M.C. are pending

before the Family Court at Secunderabad and the petitioner-wife is ready to produce the minor ward before the Family Court, Secunderabad, if it is feasible for the respondent-husband. Therefore, the Court below is also directed to consider the options available to the parties while passing orders.

With the above observations and direction, the Civil Revision Petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

28.09.2018.
Msr

GUDISEVA SHYAM PRASAD, J



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