

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and
The Hon'ble Smt. Justice Kongara Vijaya Lakshmi

Writ Petition No.20981 of 2018

Date: 07.08.2018

Between:

Podapati Kesava Rao

... Petitioner

and

The State of Andhra Pradesh, rep. by its
Principal Secretary, Home Department,
Secretariat Office, Velagapudi
Guntur District, Andhra Pradesh State & 3 others

...Respondents

Counsel for the Petitioner:

Mr. P. Venugopal,
Senior Counsel for
K. Goverdhan Reddy

Counsel for the respondents:

AGP attached to AG (AP)
For Respondent Nos.1 to 3

Smt. Podapati Tulasi @
Tanikonda Tulasi (R.4)
Her counsel not appeared

The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for the following substantive relief:

“to issue writ or direction more particularly in the nature of writ of Habeas Corpus directing the Respondent authorities 1 to 3 to produce minor children Podapati Akshara (DOB 16/09/2009) and Podapati Ashvak (DOB 17/07/2012) of the petitioner, who are permanent residents and born citizens of Germany before this Court, who have been unlawfully retained by the 4th Respondent in India contrary to the orders passed by the German Court dated 21/10/2016, confirmed in Appeal vide Order dated 11/07/2017, and direct to return of the said minor children Podapati Akshara and Podapati Ashvak to the petitioner in compliance with the orders dated 21/10/2016 & 11/07/2017 passed by the German Courts, to enable the minor children to go back to Germany and if they fail to do so within a fixed time period, the 4th Respondent may be directed to immediately handover the custody of the said minor children to the petitioner to enable him to take the minor children back to the jurisdiction of Germany Court; and pass such other orders.”

On the initiative taken by this Court, the petitioner on one side and Respondent No.4 on the other side arrived at an understanding. When Respondent No.4 has raised certain apprehensions, the petitioner has filed his sworn affidavit, wherein he has stated as under:

“I submit that the above pleading has been noted by me and I assure this Hon'ble Court that I would obtain a German Visa to the Respondent No.4 and also assure to deposit a minimum balance of 1500 Euros which is equivalent to about

INR 1,20,000/- in her account by opening a separate bank account in Germany. I also assure that I will see that the 4th Respondent along with her children will visit her parents in India once in a year. I further state that I would also love to come to India now and then along with my family. I undertake to take utmost care of the 4th respondent and our children with love and affection. I also assure this Hon'ble Court that I would take care of all the expenses with regard to education, travelling, food, clothing and other ancillary expenses of the 4th respondent and our children.”

On the suggestion fallen from the Bench, both parties have filed joint affidavit, wherein they have stated as follows:

“1. Both of us state that there were some misunderstandings between us, which disturbed our matrimonial life. Both of us having understood that our matrimonial life would get disturbed and that it would have drastic affect on our children have now resolved to set aside our differences to lead a happy matrimonial life and in this regard, this Hon'ble Court has directed us to file a joint affidavit. Hence, we are filing this joint affidavit.

2. Both of us unequivocally declare and state that we are going to lead a happy marital life. The second of us would certainly provide financial assistance to the first of us, who is a housewife and will apply for German Visa to the first of us. Both of us together with our children would like to stay in Germany only and since in Germany the academic year commences from the month of September, both of us together with our children would leave to Germany and second of us has no objection to send first of us along with our children to visit our parents in India once in a year.

3. Second of us, apart from obtaining a German Visa to the first of us, also assures to deposit a minimum balance of

1500 Euros which is equivalent to about INR 1,20,000/- in her account by opening a separate bank account in Germany.

4. Both of us agree to give our utmost love and affection to our children and treat each other with respect as any other man and woman would treat once they are married.

5. Both of us agree to respect our respective elders and treat them like our own parents.

6. The undertaking given in this affidavit shall be honoured by both of us.

7. First of us will cooperate with second of us in going to Germany along with children at the earliest, so that their academic career does not suffer from any dent.

8. Both of us unequivocally agree to withdraw the respective cases filed by and against each other in Germany and India against each other and their family members at the earliest.

9. Both of us are highly indebted to this Hon'ble Court as this Hon'ble Court has taken due care and caution to see that our matrimonial life is settled in peace for ever."

On the suggestion of this Court, the petitioner and Respondent No.4 travelled to Chennai along with two minor children for applying for German visa for Respondent No.4 and the two minor children.

Today, at the hearing, they have stated that as promised by the petitioner, he has applied for German Visa to Respondent No.4 and to their two minor children and both have reiterated their resolve to sink all the differences between them, withdraw all

the cases filed by them against each other and live as man and wife peacefully and happily.

In the light of the above, the petitioner has stated that he has no objection for closing the Writ petition.

The Writ Petition is, accordingly, closed by placing on record, the affidavit dated 02.08.2018 of the petitioner and joint affidavit of even date referred to above.

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

(C.V.Nagarjuna Reddy, J)

(Kongara Vijaya Lakshmi, J)

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BSS/NSR



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