

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.21586 of 2018

Date: 03.07.2018

Between :

Kopparthi Manga Devi

... Petitioner

And

The State of Andhra Pradesh,
rep. by its Principal Secretary,
Home Department, Secretariat,
Amaravathi, Guntur District and others.

... Respondents

COUNSEL FOR PETITIONER : Mr. Chakkilam Venkateswarlu

COUNSEL FOR RESPONDENTS : A.G.P. attached to A.G. (A.P.)
for R.1 to R.3

Sri Meherchand Nori,
representing Sri Narasimha
Rao Davuluri for R.4

THE COURT MADE THE FOLLOWING:

ORDER : (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for issue of Habeas Corpus declaring the action of respondent Nos.1 to 3 in not undertaking investigation into the report lodged by the petitioner before respondent No.3 and not tracing out the petitioner's minor daughters, namely; Kopparthi Jaitra Hasini and Kopparthi Veda Koushika, as illegal and arbitrary, and sought for a consequential direction to respondent Nos.1 to 3 to trace out her two minor daughters and handover their custody to the petitioner.

In pursuance of the directions issued by this Court, respondent No.3 has ensured that along with respondent No.4, the latter's minor children, his father, mother and brother are present in the Court. We have interacted with the petitioner and respondent No.4, his parents and brother. On the facts of the case, we are convinced that the petitioner has no other person except her mother, who is a cancer patient, to look after the two minor children. The petitioner has admitted that except the house worth about Rs.15,00,000/-, she does not have any source of income and that she is proposing to undertake part-time jobs to bring up the two minor children. In comparison, respondent No.4, his parents and brother appear to be financially more resourceful and the appearance of the two minor children suggests that they are being well kept up and comfortable with their father and supported by

their grand-parents and senior paternal uncle. In these circumstances, we have persuaded the petitioner to leave the custody of the two minor children with respondent No.4 with a right to have their custody during week ends i.e., from the evening of Saturday till the evening of Sunday. Respondent No.4, his parents and brother have agreed to drop the two minor children at Rajahmundry at 7.00 p.m. on Saturday and take them back at 5.00 p.m. on Sunday. They also agreed to leave the two minor children with the petitioner for atleast a week during every vacation.

In the light of this understanding, which will come into force w.e.f. 14.07.2018, the writ petition is closed. It is made clear that the above arrangement will continue till such time as both parties arrive at a mutually agreed Settlement or either party secures an order from the competent Court of Law with regard to the custody of the two minor children. No order as to costs.

As a sequel, I.A.No.1 of 2018 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

03.07.2018.

Msr

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
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Msr