

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE P. KESAVA RAO

W.P.No.29479 of 2018

Date : 05-09-2018

Between :

Alluri Sridhara Raju

.. Petitioner

And

The State of A.P.,
Represented by Secretary,
Home Department, Secretariat,
Amaravati, Velagapudi and others

.. Respondents

Counsel for petitioner : Sri Pappu Srinivasa Rao

Counsel for respondent Nos.1 to 4 : Assistant Government Pleader
attached to Advocate General (AP)

Counsel for respondent No.5 : Sri C. Hanumantha Rao

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 directing the respondents to produce Alluri Naga Sri Chanakya Varma, son of the petitioner and respondent No.5, before the Court and hand over his custody to the petitioner.

We have heard Sri Pappu Srinivasa Rao, the learned Counsel for the petitioner and Sri C. Hanumantha Rao, the learned Counsel for respondent No.5.

In pursuance of the directions issued by this Court, respondent No.5, along with minor child, is produced by respondent No.4-Police.

Respondent No.5 is the wife of the petitioner. Though their marriage is intact, irreconcilable differences between them have driven them apart physically. The petitioner has made very serious allegations against respondent No.5 with regard to her conduct and character. We, however, do not intend to delve into these allegations as they fall outside the scope of the present Writ Petition.

The petitioner admits that the minor boy has always been with respondent No.5. Therefore, being the mother, her continued custody of the minor boy cannot be held to be illegal. The petitioner, however, apprehends that in view of the alleged wayward life being led by respondent No.5, the interests of the minor boy are

seriously jeopardised. Respondent No.5, however, denied every allegation made by the petitioner. On the intervention of this Court, both the petitioner and respondent No.5 agreed that while the latter will keep the custody of the minor child and will continue to send the boy to the school at Bhimavaram, in which he is presently studying, the petitioner will be permitted to take the custody of the minor boy on every Sunday at 9.00 A.M. and drop him at the house of respondent No.5 by 5.00 P.M. The petitioner also agreed that he will not try to prejudice the mind of the minor boy by painting the character of respondent No.5 in black.

In the light of the understanding reached by the petitioner and respondent No.5 as above, the Writ Petition is closed by making it clear that the said understanding shall continue till such time as either party approaches the competent Court of law and secures an order for the custody of the minor child.

As a sequel to the closure of the Writ Petition, I.A.No.1 of 2018 filed for interim relief shall stand closed.

Justice C.V. Nagarjuna Reddy

Justice P. Kesava Rao

Date : 05-09-2018
AM

