

THE HON'BLE SRI JUSTICE SANJAY KUMAR
CIVIL REVISION PETITION No. 6638 of 2018

ORDER:

In the light of the order proposed to be passed in this revision petition, this Court deems it unnecessary to put the respondent on notice or afford her an opportunity of hearing.

The petitioner herein is the husband. F.C.O.P.No.2076 of 2018 was filed by him under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights. Therein, he filed I.A.No.1141 of 2018 seeking grant of visitation rights in relation to his two minor sons, who were with the respondent-wife. His grievance in this revision is with regard to the delay on the part of the learned XV Additional District Judge-cum-Family Court Judge at Kukatpally in considering his plea for visitation rights.

Perusal of the docket proceedings placed on record reflects that the subject O.P. was registered on 28.08.2018 and the first hearing date was 09.11.2018. Reports were also placed before the Family Court in the context of the notice that was to be served upon the respondent. The next date of hearing is shown as 07.12.2018. In matters of this nature involving the rights of minor children to have the love and affection of both parents, the Family Court necessarily has to be sensitive to the needs of such children who are unwittingly dragged into the tussle between the parents and should be more concerned about their welfare and interest. It is the case of the petitioner husband that since 23.10.2017, the respondent wife is staying away from him along with the children. In that view of the matter, his plea for grant of visitation rights warranted consideration on merits and in accordance with law on priority. Putting

off the hearing of the I.A. voicing such a plea therefore does not meet the interest of justice.

The Civil Revision Petition is accordingly disposed of directing the learned XV Additional District Judge-cum-Family Court Judge, Kukatpally, to expeditiously take up I.A.No.1141 of 2018 in F.C.O.P.No.2076 of 2018 and dispose of the same upon due consideration on merits and in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:23.11.2018
va

JUSTICE SANJAY KUMAR

