

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.6775 of 2018

ORDER :

Heard the counsel for petitioner. None appears for respondent.

2. This Civil Revision Petition is filed challenging the order dt.31.10.2018 passed in I.A.No.1833 of 2018 in Guardian O.P.No.9 of 2018 on the file of Principal District Judge, East Godavari District, at Rajamahendravaram.

3. The petitioner herein has filed the said Guardian O.P. to declare that he is the natural guardian of his minor children, a boy and a girl, aged about 6 and 4 years, respectively.

4. The respondent herein is the wife of petitioner and is the mother of the children.

5. Pending the above O.P., the respondent filed I.A.No.1833 of 2018 under Section 12 of the Guardian and Wards Act, 1890 to direct the petitioner to cause production and to grant interim custody of the minors. She alleged that the petitioner took away the minor children on 21.12.2017 and she did not know their whereabouts and their welfare; that she is concerned about the safety and welfare of the children; and since the main petition is likely to take considerable time, she may be granted interim custody.

6. The petitioner denied the said allegations leveled against him and relied upon a Child Welfare Committee report stating that it is in

the best interest of the children that if the petitioner has custody and custody should not be disturbed. He reported no objection for grant of visitation rights.

7. By order dt.31.10.2018, the Court below took note of the fact that the respondent is the mother and the petitioner is the father of the children whose custody is with the petitioner. It also held that the respondent, being the mother of the children, should have access to the children to share her love and affection for a holistic emotional bond for the growth of the children; and therefore, it granted visitation rights to the respondent.

8. Assailing the same, the present Civil Revision Petition is filed.

9. The principal contention of the counsel for petitioner is that though his client has agreed to visitation rights there was earlier evidence of abuse by the respondent of the children and unless a Member of the Child Welfare Committee accompanies the respondent, visitation should not be permitted.

10. It is important to note that such a contention was never advanced before the Trial Court, and in fact, the petitioner had stated that he had no objection for grant of visitation rights. It appears that as an after-thought, this Revision is filed only to deny visitation rights to the respondent, who is the natural mother of the children and to deprive them of love and affection of the respondent.

11. If there is any untoward incident during the visitation of respondent, liberty is granted to petitioner to bring it to the notice of the Court below which shall deal with the said situation as per law.

12. With these observations, the Civil Revision Petition is dismissed as totally without merit. No order as to costs.

13. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 16.11.2018

Ndr/*

