

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.1252 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/wife, challenging the order, dated 01.04.2019, passed in I.A.No.34 of 2018 in O.P.No.112 of 2018, by the Additional Family Court, Hyderabad.

2. The facts that led to filing of this Civil Revision Petition, in brief, are as follows:

The marriage between the petitioner/wife and the respondent/husband was solemnized on 19.08.2010 at TTD Kalyana Mandapam, Liberty Road, Hyderabad. Marriage consummated and during their wedlock, the couple were blessed with a boy by name Vishruth on 17.12.2011. Subsequently, disputes arose between the couple and the petitioner/wife left the company of the respondent/husband and started living separately. Subsequently, the petitioner/wife filed O.P.No.112 of 2018 on 01.12.2017 before the Court below seeking divorce, permanent custody of the minor boy, permanent alimony of Rs.1.5 crores and Rs.75,00,000/- towards maintenance and educational expenses of the minor boy. Though conciliation efforts were made and the O.P. was referred to Mediation Centre, no amicable settlement could be reached. The respondent/husband filed his counter in the O.P. on 10.12.2018. The said O.P. is coming up for rejoinder of the petitioner/wife. At that stage, the respondent/husband filed the subject interlocutory application in I.A.No.34 of 2018 under Section 12 of the Guardians and Wards Act, 1890, seeking interim custody

of minor son during weekends, public holidays and vacation. The Court below, vide impugned order, dated 01.04.2019, refused to grant interim custody of the minor boy during weekends, public holidays and vacations, but however, granted visiting rights in favour of the respondent/husband to see the minor boy on every 1st and 3rd Saturday of the month from 03:00 PM to 05:00 PM in the office of District Legal Services Authority, City Civil Court Complex, Hyderabad, and directed the petitioner/wife to handover the minor son to the respondent/husband on the above days and time and collect back the minor son on the above days and time by withdrawing herself to be present with the minor son at the time of visiting rights. Aggrieved by the same, the petitioner/wife filed this Civil Revision Petition.

3. Heard the learned counsel for both sides and perused the record.

4. The learned counsel for the petitioner/wife would contend that though the minor child was reluctant to meet the respondent/father, the interim custody was granted, which is erroneous and against the interest of the child and ultimately prayed to allow the Civil Revision Petition.

5. On the other hand, the learned counsel for the respondent/husband would contend that the interim custody of the child was given only for two hours on 1st and 3rd Saturday of every month, that too in the premises of District Legal Services Authority, City Civil Court Complex, Hyderabad. That will help to develop a bond between the father and child. Furthermore, no

harm or damage would be caused to the interest of the child and ultimately prayed to dismiss the Civil Revision Petition.

6. A perusal of the impugned order reveals that the Court below had spoken to the parties to the litigation on different dates before passing the impugned order and detailed observations are recorded in the impugned order. The minor boy – Vishruth is seven years old. He is required to develop affection and bond with his father (respondent herein). The love and affection of both the parents is required for the overall development of the child. Grant of interim custody of the child to his father would not jeopardize the interest of the child. The Court below had rightly exercised its jurisdiction in passing the impugned order. There is no illegality or infirmity in the order under challenge. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

7. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand dismissed.

18th September, 2019
Bvv

Dr. SHAMEEM AKTHER, J