

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.R.P.No.1556 of 2019

ORDER:

This Revision Petition is filed questioning the order dt.06-06-2019 in I.A.No.470 of 2019 in O.P.No.367 of 2018 of the Family Court Judge, City Civil Court, Secunderabad, wherein the trial Court while partly allowing the petition, directed to produce the child before the Court at 4.45 pm on every day of custody in order to enable the Court to examine the minor child and also directed the petitioner to take custody of child from the Court daily from 07-06-2019 till 11-06-2019 at 5 pm. Though the dates have elapsed by efflux of time, it becomes relevant to decide the matter to minimize the dispute amongst the husband and wife in the interest of the child.

2. Revision Petitioner/wife is the respondent in the O.P. and respondent/husband herein is the petitioner in the O.P.

3. Serious allegations leveled against the respondent/husband by the petitioner/wife, the same have been gone into and after due examination, the trial Court based on the statement made the child held that the allegations made are incorrect. However, having regard to the fact that both mother and father will have love and affection and have equal rights to share the moments with the child, this Court feels that granting custody of the child only to one parent is unjust and both mother and father should be given opportunity to spend time with the child.

The Supreme Court in **VIVEK SINGH V. ROMANI SINGH**¹ (in Civil Appeal No.3962 of 2016, dated 13.02.2017), held that both parents are entitled to have custody of the child. The child cannot be denied his legitimate right of having company of his mother and father and also the child cannot be deprived of his right to have their love, affection and care.

4. Hence, this Court is of the view that the impugned order passed by the trial Court is just and proper and needs no interference.

5. In view of the above, liberty is given to both the petitioner and respondent to file appropriate applications seeking custody or visitation rights with the child as and when required, and on such applications made, the trial Court shall pass appropriate orders thereon as per law without any delay.

6. Revision Petition is dismissed accordingly. No costs.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 01-10-2019
kvr

¹ 2017(3) SCC 231