

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**

F.C.A.No.14 of 2015

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JUDGMENT : (per Hon'ble Sri Justice R.Subhash Reddy)

Heard learned counsel for the appellant-husband and the respondent-wife, who is present as a party-in-person, and at their request, the appeal is heard and being disposed of at the admission stage.

2. This appeal, under Section 19 of the Family Courts Act, 1984 is filed by the appellant-husband aggrieved by the order and decree dated 25.09.2013 in O.P.No.243 of 2012 passed by the Additional Family Court, Hyderabad, partly allowing the petition filed by him under Section 27(1)(b) of the Special Marriage Act, 1954, granting the relief of dissolution of marriage on the ground of desertion and cruelty by the respondent-wife, while rejecting his claim for custody of the children, however, permitting him to see the children on every fourth Sunday of a month between 2.00 p.m., to 5.00 p.m., at the house of the respondent-wife and the respondent-wife was also directed to permit the appellant-husband to see the children.

3. It is the grievance of the appellant-husband that

inspite of specific direction by the Court below, he is not allowed to enter into the house of the respondent-wife to see the children and in view of the criminal cases filed by the respondent-wife against him, he is taking the children to his house.

4. On the other hand, it is submitted by the respondent-wife that the appellant-husband is taking away the children to his house and they are allowed to stay with the step-mother and hence the children are not happy to reside at the house of appellant-husband.

5. After hearing both sides, we deem it appropriate to modify the directions issued by the Court below in the impugned order with regard to custody of the children.

6. Therefore, while confirming the impugned order with regard to granting a decree of divorce, we allow the appellant-husband to take the children from the house of the respondent-wife for outing on every alternate Sunday between 10.00 a.m. to 5.00 p.m. When the appellant-husband approaches the respondent-wife to see the children, she shall allow the children to go along with the appellant-husband during the aforesaid period. At the same time, the appellant-husband shall hand over custody of children to the respondent-wife, positively by 5.00 p.m., on the same day. It is further directed

that the appellant-husband shall not take the children to his residence and he may take the children to any other place and spend time with them.

7. Subject to the above directions, this appeal is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY

Dr. JUSTICE B.SIVA SANKARA

RAO
05.02.2015.
Msr

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