

APHC010615722025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3209]

WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

CIVIL REVISION PETITION No: 3188 of 2025

Between:

1.P.UDAY KUMAR REDDY, S/o. LATE P.REDDERPA REDDY,
AGED ABOUT 42 YEARS, OCC: PVT. SERVICE, R/o. FLAT No.510,
RAMA KRISHNA PARADISE, ALIPIRI ROAD, TIRUPATI, A.P.

...PETITIONER

AND

1.A VINEELA, W/o.P.UDAY KUMAR REDDY, AGED ABOUT 32 YEARS,
OCC: GOVERNMENT EMPLOYEE, R/o.D.No.1-221, NEAR
VINAYAKASWAMY TEMPLE, THUMMALAGUNTA, TIRUPATI RURAL
MANDAL, TIRUPATHI DISTRICT, A.P.

...RESPONDENT

Counsel for the Petitioner:

1.Mr. BALA KRISHNA MANDAPATI

Counsel for the Respondent:

1.M/s.VMR LEGAL

The Court made the following Order:

The present Revision Petition is filed against the order dated 28.10.2025 in I.A.No.621 of 2025 in H.M.O.P.No.106 of 2025 on the file of the Court of the Principal Civil Judge(Senior Division), Tirupati.

2. The respondent herein filed the H.M.O.P., under Section 13 (1) (ia) of the Hindu Marriage Act seeking dissolution of marriage on the ground of cruelty. The petitioner / husband is contesting the same by filing counter. During the pendency of the O.P., the petitioner filed the above said I.A., under Section 26 of the Hindu Marriage Act seeking visitation rights to meet the minor children, born out of the wedlock i.e., two daughters, aged about 10 years & 5 years respectively and a son aged about 3 years. The respondent / wife resisted the said application by filing a counter.

3. The learned Civil Judge (Senior Division) taking into consideration the submissions of both sides and interaction with the elder child, was not inclined to grant visitation rights.

4. Heard learned counsel for the petitioner. Also heard learned counsel for the respondent.

5. Perused the material on record.

6. The learned counsel for the petitioner made detailed submissions with reference to the various grounds raised in the Memorandum of Revision Petition to impress upon the Court that the order under challenge is not

sustainable. It is his main contention that the children are entitled to warmth and affection of both the parents for their overall well being and denial of the same would have an adverse impact on their overall development. He submits that denial of the visitation rights by taking into account the opinion of the elder child, in the absence of any other evidence, is not sustainable, that the possibility of the child being tutored against the petitioner / father was not appreciated. He further submits that the rights of the minor children cannot be simply scuttled away and as a result of the same, the memories of the father may be erased. He also submits that even the direction dated 11.09.2025 in I.A.No.621 of 2025 in H.M.O.P.No.108 of 2025, permitting the petitioner / father to interact with the children telephonically / by video calls once in a week was not obeyed by the respondent. He placed strong reliance on the decision of the Hon'ble Supreme Court in **Yashita Sahu vs. State of Rajasthan and Others**¹. He also submits that both the parents i.e., the petitioner and the respondent stay in Tirupati and seeks appropriate directions by setting aside the order under challenge.

7. The learned counsel for the respondent, on the other hand, made submissions to the effect that the impugned order contains cogent reasons, passed in the best interest of the children and therefore, calls for no interference. The learned counsel also referred to the decision of the Hon'ble

¹ (2020) 3 SCC 67

Supreme Court in **Gayatri Bajaj v. Jiten Bhalla**² and seeks dismissal of the Revision Petition.

8. This Court has considered the submissions made and perused the material on record.

9. At the outset, it may be pertinent to note that though *vide* impugned order I.A., in question was dismissed, however liberty was afforded to the petitioner to seek appropriate modification or renewal of visitation rights at a later stage, upon establishing changed circumstances. As per the impugned order dated 28.10.2025, the petitioner is at liberty to file a fresh petition seeking visitation rights after a period of six months. Under the said circumstances, this Court, deems it not necessary to examine the matter at length. However, the submissions made by the learned counsel for the petitioner cannot be simply ignored. As is evident from the order under revision, the learned Senior Civil Judge obviously on the basis of interaction with the elder child of the parties thought it appropriate to reject the application seeking visitation rights filed by the petitioner herein. Even if the same is taken as a valid reason, this Court see no justification for vacating the order dated 11.09.2025. Serious disputes / differences between the parties in a matrimonial dispute, cannot lead to deprivation of the love and affection of both the parents to the children. While it is no doubt true that the Courts are required to keep in mind that the welfare of the child is of paramount

²(2012) 12 SCC 471

consideration and cannot be a victim in custody battles. The Courts are also required to taking into account the opinion of the child. However, the Court has to ensure that the child is not under the influence of the parents and then pass an order, which is in the best interest of the child. The Law is well settled in this regard and the application of the same including the decisions referred to above, depends upon the facts and circumstances of each case. Be that as it may.

10. As noted earlier, the learned Senior Civil Judge granted liberty to the petitioner to file fresh application seeking visitation rights after a period of six months. Therefore, while leaving it open to the petitioner to avail the liberty granted to him, this Court deems it appropriate to direct that pending disposal any such application which may be filed by the petitioner, the interim order dated 11.09.2025 passed in the H.M.O.P., shall remain in force.

11. With the above modification, the Revision Petition is disposed of. Needless to observe that the learned Senior Civil Judge shall pass appropriate orders in the application that may be filed by the petitioner, on its own merits without being influenced by the observations made in the impugned order, in accordance with the Law, as expeditiously as possible, within a period of two months from the date of filing of the application. No costs. Consequently, all pending applications shall stand closed.

JUSTICE NINALA JAYASURYA

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

CIVIL REVISION PETITION No: 3188 of 2025

Date: 06.05.2026

BLV