

[3572]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE FOURTH DAY OF MAY,

TWO THOUSAND AND TWENTY SIX



:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

AND

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

C.M.A.NO: 43 OF 2026

Between:

Potru Kiranmai, w/o Potru Sasikanth, aged about 34 years, C/o Pathuri Venkata Rama Rao, R/o Vinayaka temple street, Pothuneedipalem, Nallajerla mandalam, West Godavari District.

Appellant/Respondent

AND

Potru Sasikanth, s/o late Venkata Krishna Hanumantha Rao, aged about 44 years, R/o Flat No. 502, Sai Subhash-II, DSP Office Road, Bapuji nagar, Kovvur Town and Mandal, East Godavari District.

Respondent/Petitioner

Appeal under Section 47 of Guardians & Wards Act, is filed praying that in the circumstances stated in the affidavit filed in support of the Civil Miscellaneous Appeal, the High Court may be pleased to ALLOW the above Civil Miscellaneous Appeal by setting aside the Order and decree dated 10.11.2025 passed in G.W.O.P. No. 34/2024, on the file of XI Additional District Judge, Tadepalligudem at West Godavari district, in the interest of justice;

IA NO: 1 OF 2026

Petition under Order 41 Rule 5 & Section 151 of CPC., is filed praying that in the circumstances stated in the affidavit filed in support of the petition,

the High Court may be pleased to grant STAY of all further proceedings pursuant to Order and decree dated 10.11.2025 passed in G.W.O.P. No. 34 of 2024, on the file of XI Additional District Judge, Tadepalligudem at West Godavari District, in the interest of justice;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. J.V.PHANIDUTH, Advocate for the Petitioner and of Sri. SIVA BHAMI REDDY S, Advocate for the Respondent;

The Court made the following ORDER:

This appeal has been filed by the appellant/ mother and the respondent is the father of minor child.

2. The petition for the custody of the minor filed by the father was partly allowed, subject to the terms set out in para 20 of the judgment dated 10.11.2025 passed by the learned XI Additional District Judge, Tedepalligudem in G.W.O.P.No.34 of 2024. As per sub-paragraph (1) of paragraph 20 of the judgment, the respondent/ mother was directed to keep the custody of minor ward till completion of academic year, 2026 and the father was granted visitation rights in terms of the order dated 16.12.2024 passed in I.A.No.420/2024 in the said G.W.O.P.

3. On consideration of the submissions advanced by the learned counsels for the parties, as we are satisfied prima facie that so many directions have been issued and the minor daughter cannot be tossed up in custody, for father for 15 days and mother for other 15 days i.e., in other words to remain without mother for 15 days in whose custody the child is, particularly when the father's petition for custody has been dismissed, we stay the operation of the decree as under:

i) The direction No.1 in para 20, which was confined to the period of the academic year, 2026 by the learned Trial Court shall continue until further orders of this Court. In other wards the custody of the minor child shall be with the mother, but the father shall have a right

of exercising visitation rights in terms of the Interim order dated 16.12.2024 passed in I.A.No.420/2024 in D.W.O.P.No.34 of 2024.

ii) Those directions under sub para (2) and (6) in para 20 of the judgment, shall remain stayed.

iii) The mother shall not make any obstructions in exercising visitation rights of the father.

4. The visitation rights in terms of the order dated 16.12.2024 has been allowed only for the alternative Saturdays. We provide further that the same will be available to the father on every Saturday.

5. Learned counsel for the respondent and also the learned counsel for the appellant submit that presently the minor daughter is with the mother. The said fact has been ascertained by the learned counsel for the appellant obtaining instructions from the mother.

6. During the summer vacations also, the father shall have the right to visit the child on Saturdays and Sundays at the place where the minor is residing at Pothuneedipalem Village, Nallajerla Mandal, West Godavari District.

7. The mother shall not create any disturbance in exercising of the visitation rights pursuant to this order at the place indicated and shall allow the father to meet the child.

8. The respondent shall also not create any such circumstances or situation which may cause inconvenience to the mother as also to the child.

9. During those days, the visitation right has been granted the child shall not be moved from that place and shall be available to the father to exercise his visitation rights.

10. The father shall also have the right to be in contact with the minor by telephonic conversation or and through video conference at the convenient time at least once in a day.

11. Learned counsel for the appellant submits that pursuant to the order under challenge, it was proposed to change the school of the

child, but since that part has been stayed, he submits that the child will continue in the same institution.

12. Anyway, if there is any change in the school of the child, the same directions as issued by order dated 16.12.2024 passed in I.A.No.420/2024 in D.W.O.P.No.34 of 2024 read with this order shall be applicable to the management of such school as well.

13. Any such change in the school, we expect, shall not be, unless it is so necessitated and that too with the information of the said fact to the father and to this Court.

14. List on 03.08.2026.

//TRUE COPY//

SD/- K.J.RAJA BABU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The XI Additional District Judge, Tadepalligudem at West Godavari District. ✓
2. Potru Sasikanth, s/o late Venkata Krishna Hanumantha Rao, aged about 44 years, R/o Flat No. 502, Sai Subhash-II, DSP Office Road, Bapuji nagar, Kovvur Town and Mandal, East Godavari District. (BY RPAD) ✓
3. One CC to Sri. J.V.PHANIDUTH, Advocate [OPUC] ✓
4. One CC to Sri. SIVA BHAMI REDDY S, Advocate [OPUC] ✓
5. Two Spare Copies

JSS

HIGH COURT

RNT, J
&
BM, J

DATED:04/05/2026

LIST ON 03.08.2026.

ORDER

CMA.No.43 of 2026



DIRECTION