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APHC010067242026



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

[3330]

TUESDAY, THE 14th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION NO: 427/2026

Between:

1. SHAIK ANWAR HUSSAIN, S/O SHAIK MAHAMMED AMEER RASOOL, AGED 35 YEARS, OCC. INSPECTOR AUDITOR WAQF (UNDER SUSPENSION), R/O D. NO.58/384-22, VIDYA NAGAR PHASE, SBI COLONY, KADAPA CITY AND DISTRICT, A.P., PIN. 516001.

...PETITIONER

AND

1. SHAIK ARSHIYA PARVEEN, W/o Shaik Anwar Hussain, D/o Shaik Allah Bakash, Aged 33 years, Occ. Assistant Manager in Andhra Pragathi Grameena Bank, R/o D.no. 14/706-3-1, Rizwan Nagar, Nakash Street, Kadapa City and District, A.P. Pin. 516001.

...RESPONDENT

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside the order dated 27.10.2025 in I.A.NO. 50 of 2024 in G.O.P.No. 01 of 2024 on the file of the Hon'ble Court of the Judge, Family Court - Cum - VI Additional District and Sessions Judge at Kadapa and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to grant limited visitation rights to petitioner along with paternal grandparents on the day of Eid (Ramazan 2026) for a few hours, to meet the children by names 1) Shaik Muhammed Nouman Hussain aged 5 Years and 2) Shaik Aiman Nida aged 9 Months and pass

Counsel for the Petitioner:

1. SHAIK AFZAL MOHAMMED

Counsel for the Respondent:

1. SHAIK MOHAMMED ISMAIL

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**CIVIL REVISION PETITION No.427 of 2026****ORDER:**

The petitioner herein filed G.O.P.No.1 of 2024 on the file of learned Family Court-cum-VI Additional District and Sessions Judge, Kadapa, under Section 12 of the Guardians and Wards Act, 1890 (hereinafter for short the 'Act'), seeking custody of his minor children.

2. The petitioner herein has also filed I.A.No.50 of 2024 in the said G.O.P., seeking grant of visitation rights in respect to his minor children, Shaik Muhammed Nouman Hussain, aged about five years and Shaik Aiman Nida, aged about nine months, at the time of filing the aforesaid application.

3. The learned trial Court, *vide* order dated 27.10.2025, granted visitation rights to the petitioner, to visit once in two months on every last Sunday of a month, commencing from December 2025 i.e., 28.12.2025 between 10.00 A.M. to 12.00 noon (two hours) at the residence of the respondent-mother.

4. Aggrieved by the said order, granting visitation rights for once in two months on every last Sunday of a month, the present Civil Revision Petition has been filed under Article 227 of the Constitution of India for modification of the order as follows:

“....3.....(i) Frequency:-The petitioner along with parental grandparents to meet children once in every week preferably on Sunday of a every Month, (ii) Duration:-10:00 a.m. to 06:00 p.m., (iii) Venue:-At the residence of Petitioner, (iv) Festivals & Birthdays:- the petitioner along with grandparents to visit children during Festivals & Birthdays, (v) Electronic:- The petitioner along with parental

grandparents to have access through Normal calls and Video Calls on every day and to take pictures and videos clips with the children during visitation, (vi) School:-The Petitioner to visit the school of the children for paying of fees, providing other necessities in a every week of every month and to attend school annual functions, parents meetings, and other occasions, (vii) Vacation Period:-Grant 50% of Vacation Period to the petitioner and to grant other reliefs as this Hon'ble Court deems fit in the circumstances of the case at the time of hearing....”

5. Further relied on the judgment of the Hon'ble Apex Court in ***Yashita Sahu v. State of Rajasthan***¹ in paragraph No.19 held as follows:

“..A child, especially a child of tender years requires the love, affection, company, protection of both parents. This is not only the requirement of the child but is his/her basic human right. Just because the parents are at war with each other, does not mean that the child should be denied the care, affection, love or protection of any one of the two parents. A child is not an inanimate object which can be tossed from one parent to the other. Every separation, every re-union may have a traumatic and psychosomatic impact on the child. Therefore, it is to be ensured that the court weighs each and every circumstance very carefully before deciding how and in what manner the custody of the child should be shared between both the parents. Even if the custody is given to one parent the other parent must have sufficient visitation rights to ensure that the child keeps in touch with the other parent and does not lose social, physical and psychological contact with any one of the two parents. It is only in extreme circumstances that one parent should be denied contact with the child. Reasons must be assigned if one parent is to be denied any visitation rights or contact with the child. Courts dealing with the custody matters must while deciding issues of custody clearly define the nature, manner and specifics of the visitation rights.”

6. Basing on the aforesaid judgment, learned counsel for the petitioner requested this Court to modify the order by enhancing the petitioner's visitation rights.

7. Learned counsel for respondent filed counter-affidavit in the present Civil Revision Petition stating that the petitioner herein has filed I.A.No.319 of 2026 before the trial Court, in addition to the same relief as sought in the present Civil Revision Petition, including to allow the petitioner to pay the

¹ (2020) 3 SCC 67

school fees, clothes etc., to attend parent-teacher meeting regularly for every month. Learned counsel further submits that the trial Court may be directed to consider the aforesaid application and to dispose of the same as expeditiously as possible, in accordance with law.

8. Hence, without going into merits of the case, the present Civil Revision Petition is disposed of permitting the petitioner to raise all the objections before the trial Court in I.A.No.319 of 2026. The trial Court is directed to consider and dispose of the said application in accordance with law, as expeditiously as possible, preferably within a period of two (02) months from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel thereto, interlocutory application pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 14.07.2026

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Whether the order is:

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CIVIL REVISION PETITION No.427 of 2026

Date: 14.07.2026

KBN