

[3572]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE TWENTY SIXTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

AND

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

CIVIL MISCELLANEOUS APPEAL NO: 574 OF 2023



Between:

Syed Summiya Fanous, W/o. Khaleel, aged 33 years, Muslim, Dr.No.3-2-2451, Atmakur Street, Rayadurg Town, Ananthapuram District.

Appellant/Petitioner

AND

Syed Khaleel, S/o. S. Ubedulla, Aged 38 years, Muslim, r/o. Thilak Nagar, Molakalmur Town, Chitradurg District, Karnataka.

Respondent/Respondent

Petition under Section 47 of the Guardian & Wards Act, 1890 praying that in the circumstances stated in the affidavit filed in support of the Civil Miscellaneous Appeal, the High Court may be pleased to

- a.) set aside the impugned decree and order dt 04.10.2023 in GWOP No. 31/2022 on the file of the Principal District Judge, Ananthapuram
- b.) allow the appeal thereby allow the GWOP No.31/22 on the file of the Principal District Judge, Ananthapuram by appointing the Petitioner as guardian for the persons and property of the minors 1. Kashifulla @ Syed Jabiulla, 2. Syed Faiza Falak, and permitting the Petitioner to withdraw Petition schedule mentioned fixed deposit amounts 1. Fixed Deposit dt. 11.12.2015 bearing No.35394607834 lying in SBI, Rayadurg

for Rs.5,00,000/- and 2. Fixed Deposit dt. 11.12.2015 bearing No.35394604492 lying in SBI, Rayadurg for Rs.5,00,000/- with appropriate directions in the interests of minors to purchase immovable property in the name of minors

c.) grant costs through out

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 permit me to withdraw the amount lying in the fixed deposits Nos.35394607834 and 35394604492 dated 11.12.2015 in order to meet their necessities of our family i.e., myself and children in the interest of justice, Pending disposal of CMA 574 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of MS. UMADEVI MANCHALA Advocate for the Petitioner, the Court made the following

ORDER

“None appears for the respondent.

2. I.A.No.1 of 2026 has been filed by the appellant/wife seeking permission to withdraw the amount lying in Fixed Deposit Nos. 35394607834 and 35394604492 dated 11.12.2015. In support thereof, an affidavit has been filed furnishing particulars regarding the proposed payment of school fees for the two minor children for the academic year 2025–2026, stated to be payable in April 2026, and seeking withdrawal of certain amount for their welfare.

3. It is stated in paragraph No.2 of the affidavit that the appellant and the respondent, who are living separately, had entered into an oral arrangement whereby each of them deposited a sum of Rs.5,00,000/-

(Rupees five lakhs only) in the aforesaid fixed deposits for the benefit of the children, and that the appellant, not being an earning member, requires the said amount for the educational needs of the minor children.

4. Having considered the averments in the affidavit and the submissions made, this Court permits withdrawal of a sum of Rs.1,00,000/- (Rupees one lakh only) from one of the aforesaid fixed deposits. The balance amount shall continue to remain in deposit. It is made clear that the amount so withdrawn shall be utilised only towards the educational expenses and welfare of the minor children.

5. On presentation of copy of this order, the concerned Bank shall take necessary steps.

6. The appellant shall file proof of payment of the school fees etc., and submit an appropriate memo with supporting documents.

7. List after four (04) weeks."

SD/- N.NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

- 1) The Principal District Judge, Ananthapuram
- 2) Syed Khaleel, S/o. S. Ubedulla, Aged 38 years, Muslim, r/o. Thilak Nagar, Molakalmur Town, Chitradurg District, Karnataka. (by RPAD)
- 3) One CC to MS. UMADEVI MANCHALA Advocate [OPUC]
- 4) One spare copy

HIGH COURT

**RNT,J
&
BM,J**

DATED:26/02/2026

LIST AFTER FOUR (04) WEEKS

ORDER

CMA.No.574 of 2023

DIRECTION

