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SLP(C)No. 5597-5598 OF 2005

ITEM No.301

Court No.10

SECTION XIIA  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal (C) Nos.5597-5598/2005

(From the judgment and order dated 20/01/2005 in CMA 273 and  
340 of 2004 of The HIGH COURT OF A.P AT HYDERABAD)

R.V.SRINATH PRASAD AND ORS.

Petitioner (s)

VERSUS

NANDAMURI JAYAKRISHNA AND ANR.  
(With prayer for interim relief)

Respondent (s)

Date: 25/04/2005 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT  
HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. G.E. Vahanwati, SG

For Petitioner (s)

Mr. Ranjit Kumar, Sr.Adv.

Mr. A. Raghunath, Adv.

For Respondent (s)

Mr. Arun Jaitley, Sr.Adv.

Mrs. B.Sunita Rao,Adv.

Ms. Vani, Adv.

Mr. Sushil Kr. Pathak, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Though a letter has been circulated for adjournment, in view of the serious consequences which would follow if the adjournment is allowed, we ignored the request for adjournment and heard learned counsel for the parties at length.

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By Order dated 28th March, 2005 we had directed that the two children, namely, Jay Viraj and Neel Krishna shall be produced in the Chambers of one of us (Hon'ble Pasayat, J.) by the petitioner. The letter circulated refers to some order passed by the Family Court, New York. In essence what transpires is that the Court in U.S.A. has virtually rendered our Order inoperative. If such a situation is permitted to continue, it would have large ramifications not only so far this case is concerned, but also have effect on other cases. Therefore, we have requested Mr. G.E. Vahanwati, learned Solicitor General to assist us to decide whether a court in another country can pass any order which would have the effect of practically rendering inoperative an order passed by a Court in India. It would essentially mean that a court in another country can judge the propriety of an order passed even by this Court.

Let the petitioner appear in-person on the 12th of July, 2005 before us. Learned Solicitor General is requested to ensure his attendance on the date fixed. This shall be in addition to t

he direction given to the learned counsel appearing for him to ensure that he complies with the order. Copy of the petition filed before the Family Court, New York, to which reference has been made in the letter requesting adjournment, shall also be filed along with the details of the orders

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passed on various dates. While filing the details, it shall also be specifically indicated as to in which proceeding and at whose instance Ms. Nancy Dunbar, Esq. Lawyers for children was appointed as law guardian to the children and who is meeting the charges for such appointment.

Copy of this order be given to the learned Solicitor General for necessary action.  
List the matter on 12th July, 2005 in the Court.

Sarita

(Vijay Aggarwal)  
Court Master