

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5597-5598/2005

(From the judgement and order dated 20/01/2005 in CMA No. 273/2004 & CMA No. 340/2004 of The HIGH COURT OF A.P AT HYDERABAD)

R.V.SRINATH PRASAD AND ORS.

Petitioner(s)

VERSUS

NANDAMURI JAYAKRISHNA AND ANR.

Respondent(s)

(With appln(s) for permission to submit addl. documents and direction to the

respondents to withdraw the proceedings for guardianship before the Family Court New York and seeking permission to bring addl. facts and office report)

Date: 04/01/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. G.E.Vahanvati, S.G. (A.C.)

For Petitioner(s)

Mr. Mukul Rohtagi, Sr. Adv.

Mr. Ranjit Kumar, Sr. Adv.

Mr. A. Raghunath, Adv.

For Respondent(s)

Mrs.B.Sunita Rao, Adv.

Mr. Shanti Bhushan Choubey, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard.

passed by It appears from copy of the order dated 08.11.2006

the Family Court of the State of New York that the matter is posted for hearing before the said Court on 10.01.2007. In the said order, the New York Family Court has inter alia observed as follows:

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"ORDERED that at the January 10, 2007, hearing, the court will hear all outstanding issues concerning the children's best interests, including (i) the present motion to vacate the sealing order dated June 23, 2005 (ii) respondent's request to vacate the May 10, 2004, joint custody order, as amended, (iii) respondent's request that the children be permitted to visit their maternal grandparents in India, and (iv) respondent's request that this court relinquish exclusive and continuing subject matter jurisdiction in favour of the Supreme Court of India; and it is further

ORDERED that respondent shall appear in

person before this court on January 10, 2007; and it is further

ORDERED that the children's maternal grandparents may appear before this court on January 10, 2007, if they wish to be heard with respect to the above-stated issues."

Learned counsel for the petitioners has stated that they are willing to bear the cost of travel of the maternal grand parents for attending the hearing on 10.01.2007. It is also submitted that in case the grand parents are not able to go and they want to be represented by a counsel in the said court, the cost of travel and the professional charges of the lawyer shall be borne by the petitioners. Mr. Vahanvati, learned Solicitor General (A.C.) submitted that a bare reading

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of the aforesaid order shows that the court is inclined to reconsider various issues including the question of relinquishing jurisdiction.

According to him, it would be beneficial and also in the interest of the

parties if the maternal grand parents appear on the date of hearing. He,

however, submitted that this appearance should be without prejudice to

the claims involved in this petition. We find the suggestion of Mr.

Vahanvati, learned Solicitor General to be fair and reasonable. In the circumstances we direct, if the grand parents are so advised, they may appear before the Family Court, New York on 10.01.2007 or may send a authorised representative for representing them before the said court. As noted above, the petitioners have agreed to pay the expenses. The petitioner is also permitted to go out of India to appear before the New York Family Court and return by 26th January, 2007. The matter shall be listed in the third week of February, 2007 so that the result of the hearing before the New York Family Court can be known.

(Shashi Sareen)

Court Master

(Madhu Saxena)

Court Master