



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 793 OF 2026 (GW)

C/W

MISCELLANEOUS FIRST APPEAL NO. 116 OF 2026

IN MFA No. 793/2026

BETWEEN:

1. DR NIVEDITA T G
D/O LATE T.G.BHAT
AGED ABOUT 38 YEARS
R/AT DOOR NO.3-238-2,
'CHIRANTHANA SANTOSH NAGAR,
KUTHAR PADAV, MUNNUR VILLAGE,
MANGALORE TALUK,
D.K.DISTRICT-575017

...APPELLANT

(BY SRI. K CHANDRANATH ARIGA., ADVOCATE)

AND:

1. PAVAN PADEKAL
S/O ESHWARA BHAT P
AGED ABOUT 39 YEARS
R/AT 'KSHITHIJA, NO.4-44/46,
PRASHANTH BAGH, ALAPE, PADIL,
MANGALORE-575007

...RESPONDENT

(BY SRI. JOSEPH ANTHONY, ADVOCATE FOR C/RESPONDENT)

Digitally
signed by
VASANTHA
KUMARY B K
Location:
HIGH
COURT OF
KARNATAKA



THIS MFA IS FILED UNDER SECTION 47(a) OF GUARDIAN AND WARDS ACT, AGAINST THE JUDGMENT AND DECREE DATED:29.11.2025 PASSED IN G AND WC NO. 2/2022 ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, DAKSHINA KANNADA, MANGALURU, PARTLY ALLOWING THE PETITION FILED UNDER SECTION 7,8, 10 AND 12 OF THE GUARDIAN AND WARDS ACT, 1890.

IN MFA NO. 116/2026

BETWEEN:

1. MR PAVAN PADEKAL
S/O ISHWARA BHAT P.,
AGED 40 YEARS,
R/AT KSHITHIJA,
4-44/46, PRASHANTH BAGH,
ALAPE, PADIL,
MANGALURU - 575007.

...APPELLANT

(BY SRI. JOSEPH ANTHONY., ADVOCATE)

AND:

1. DR NIVEDITHA T G
D/O LATE T.G. BHAT,
AGED 39 YEARS,
R/AT DOOR NO.3-238-2,
CHIRANTHANA, SANTOSH NAGAR,
KUTHAR PADAV, MUNNUR VILLAGE,
MANGALURU TALKUK - 575017.

...RESPONDENT

(BY SRI. K.CHANDRANATH ARIGA, ADVOCATE)



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MFA No. 793 of 2026
C/W MFA No. 116 of 2026

THIS MFA IS FILED UNDER SECTION 47(A) OF GUARDIANS AND WARDS ACT, AGAINST THE JUDGMENT AND DECREE DATED 29.11.2025 PASSED IN G AND WC NO. 2/2022 ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, DAKSHINA KANNADA, MANGALURU, ALLOWING THE PETITION FILED UNDER SECTION 7,8,10 AND 12 OF THE GUARDIAN AND WARDS ACT, 1890.

THESE APPEALS, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

These Appeals are filed under Section 47(a) of the Guardians And Wards Act, 1890, arising out of the Order dated 29.11.2025 passed in G&W C No.2/2022 by the Principal Judge, Family Court, D.K., Mangaluru.

2. Dr. Niveditha T.G. and Mr. Pavan Padekal got married and their marriage was solemnized on 23.05.2011. From the wedlock, two girl children were born on 06.10.2017 and 19.04.2019. The mother is a Doctor by profession, whereas the



father is an Engineer-cum-Product Manager. It appears both are placed well in their life. After the birth of the second girl child, the matrimonial discord surfaced in the year 2021 and the mother left the matrimonial house along with two minor girl children on 30.10.2021. The parents have fought bitter litigation and now their marriage stands dissolved by a decree of divorce dated 20.01.2026 in M.C.No.81/2022.

3. The children have become the object of the legal battle now between the parents. Nothing can be more unfortunate for the children, who are minors and of tender age to be subjected to the acrimonious litigation between the parents. In the aforesaid G&WC No.2/2022 the Family Court vide order dated 29.11.2025, after considering the rival contentions and taking into consideration the paramount interest of the minor children, has passed the following order:-

" ORDER

The petition filed under Section 7, 8, 10 and 12 of The Guardians and Wards Act, 1890 is partly allowed.

The prayer of the petitioner for appointing him as the guardian and granting him exclusive custody of the minor children is rejected.



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In the alternative, the petitioner is entitled for alternative weekend custody (once in fortnight) of the minor children Kum. Naisha Padekal and Kum. Nainika Padekal for four days after school hours on Thursday till 5.00 p.m. on Sunday including over night custody (excluding during school vacations).

The petitioner shall secure the children to his custody on every alternative Thursday from the school and directed to drop them to the residence of the respondent on Sunday before 5.00p.m. If for any reasons such as school examinations, ill-health of the children, it is not possible to exercise custody, it shall be compensated on the next week.

The order dated 03-10-2023 on IA No.IX shall continue and both the parties are entitled for equal half of the custody of the children during dasara, winter and summer school vacations. During these vacations the petitioner is not entitled for alternative weekend custody.

The petitioner being the non-custodian parent is entitled to exercise custody during the first half of all the above referred school vacations.

The parties are at liberty to change the custody schedule with mutual consent according to their convenience.

The petitioner/father is entitled for virtual visitation audio/video call with children on every alternative day for duration of 15-20 minutes in between 6.00 p.m. to 10.00p.m.



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The respondent is also entitled for virtual visitation with children daily during weekend custody of the petitioner and during school vacations for duration of 15-20 minutes in between 6.00 p.m. to 10.00 p.m. Both the parties are directed to facilitate such audio/video call to the children. In addition, the children are at liberty to make audio/video calls to both parents as and when required.

All the information regarding health of the children, school and extra curricular activities shall be exchanged between the parties.

The petitioner is directed to make payment of entire future educational expenses of both the children and fee relating to any extra curricular activities till they become economically independent.

Both the parties are directed to take joint decision in education, healthcare.

The parties are further directed to give information in writing and share the traveling details to the other parent when traveling along with the children out of Karnataka State.

The removal and change of the school of children or relocation in any other place has to be decided by both the parties after mutual consent.

The petitioner in addition to the alternative weekend custody, is also entitled to secure two days over night custody of the children during Deepavali festival.



Both parties are entitled to celebrate the birthday of the children, their birthday and their parents birthday with the children.

The custodial parent on the date of birthday has to handover custody of the children to the non-custodial parent if it falls on school days after 4.00 p.m. till 9.00 p.m. and on holidays from 11.00 a.m. to 6.00 p.m.

The petitioner is entitled to collect and retain the passports of both children from the court.

Both the parties are restrained from traveling abroad along with the children without the written consent of the other party or order from the jurisdictional court.

All pending interim applications if any are hereby stand disposed off.

After considering the facts of the case, there is no order as to costs."

4. Mr. Chandranath Ariga, learned counsel appearing for the mother-Dr. Niveditha T.G. so also Mr. Joseph Antony, learned counsel appearing for the father-Mr. Pavan Padekal, seeks modification in the impugned order passed by the Family Court.

5. However, the Court has to consider not the ego of the parents, but paramount interest of the minor children.



Considering the paramount interest of the children, we modify the order dated 29.11.2025 passed by the Family Court.

6. Accordingly, these appeals are ***disposed of*** with the following modifications:-

a. The father shall be entitled for alternate weekend custody (once in fortnight) of the minor children Kum. Naisha, Padekal and Kum. Nainika Padekal, on Friday after school hours from the school and will drop the children to the school on Monday morning.

b. On a fortnight when the father is not in station, he can take the custody of the children, as ordered above, in the coming week.

c. The father however, will have access to the children through phone on video calling every day for a duration of 15 to 30 minutes instead of alternative day and the mother shall not deny the children speaking to the father, at any point of time.



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d. The impugned judgment and order dated 29.11.2025 passed by the Family Court in G&WC No.2/2022 shall remain undisturbed except for the above said modifications.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

NG
CT:SN
List No.: 1 SI No.: 19