HC-KAR

NC: 2026:KHC:40448-DB
MFA No. 515 of 2026

CNR: KAHC010044402026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 3RD DAY OF AUGUST, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

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

**MISCELLANEOUS FIRST APPEAL NO.515 OF 2026 (GW)**

**BETWEEN:**

SMT. M.C. SMITHAN,
W/O SRI. BHAJAN MADAPPA,
D/O SRI. MANDIRA RAVI CHINNAPPA,
AGED ABOUT 41 YEARS,
R/O NO.305, SHIVASHAKTHI ORCHIDS
APARTMENT, 8TH CROSS,
OM SHAKTHI TEMPLE ROAD,
KALKERE, HORAMAVU,
BENGALURU - 560 043.

PRESENTLY R/AT:
A WING 301, VASANT BLOSSOM,
MAROL, ANDHERI EAST,
MUMBAI - 400 059.

...APPELLANT

(BY SRI. SHARATH S GOWDA., ADVOCATE)

Digitally signed by REKHA R
Location: High Court of Karnataka

**AND:**

SRI. BHAJAN MADAPPA,
S/O SRI. KETOLIRA RAGHU KUTTAPPA,
AGED ABOUT 43 YEARS,
R/O KAKKABE VILLAGE AND POST,
MADIKERI TALUK, KODAGU DISTRICT

...RESPONDENT

(BY SRI. BEAULA JEMIMA THILAKAVATHI., ADVOCATE)

THIS MFA IS FILED UNDER SECTION 47 OF GUARDIANS AND WARDS ACT, 1890, AGAINST THE JUDGMENT AND DECREE DATED:07.08.025 PASSED IN G AND WC.NO.349/2019 ON THE FILE OF THE II ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, PARTLY ALLOWING THE PETITION FILED U/S.7 AND 17 OF THE GUARDIANS AND WARDS ACT, 1890 AND ETC.,

THIS APPEAL, 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)

The present appeal under Section 47 of the Guardians and Wards Act, 1890[1], has been filed by the mother of Vansh being aggrieved by the order dated 07.08.2025 passed by the II Additional Principal Judge, Family Court, Bengaluru, in G & WC No.349/2019 filed by the father/respondent herein.

[1] for short 'G&W Act'

2. The appellant and respondent got married on 07.09.2012 in accordance with the Hindu Rights, Customs and Rituals. From the wedlock, Master Vansh Uthaiah, the son was born on 19.06.2015. It appears that the respondent/father suffered a paralytic stroke on 11.09.2018 and got hospitalised in Manipal Hospital, Bengaluru. The scores of allegations against the appellant/wife have been made by the respondent for the events which took place after he was discharged from the hospital, however, we are not going into those allegations. We are concerned only with the custody and visitation right of the father in respect of their child.

3. It cannot be denied that the respondent has fathered the child and he is the natural guardian of the child, as the mother is. The child requires love, affection and care of both the parents. Unfortunately, when the parents fight and the matrimonial relations get sored, the children become pawns and weapon in the hands of the

parents to settle the score against each other and the ears of the children are poisoned by the party in whose custody, the children are against the other.

4. The Family Court having considered the pleadings and evidence brought on record, exercising the *parens patriae* jurisdiction, had passed the following order in respect of the custody:

"***ORDER***

*The present petition filed by the petitioner under Sections 7 and 17 of the Guardians and Wards Act of 1890 is hereby allowed in part.*

*Consequently, the petitioner is appointed as guardian of minor child Master Vansh Uthaiah with interim custody of the minor child.*

*In the result, the petitioner is entitled to have interim custody of the minor child i.e.,*

*(1) 50% summer vacation.*

*(2) 50% of other school vacations whenever it is* ***more than 4 days*** *without disturbing the minor child's academics.*

*(3) To have audio-video calls on weekends i.e., one very Saturdays and Sundays.*

*The respondent shall handover the interim custody of the minor child to the petitioner during the above periods and shall co-operate and co-ordinate with the petitioner during his interim custody of the minor child.*

*The petitioner shall pick up and drop the minor child at the residence of the respondent during his interim custody period with prior intimation to the respondent.*

*The parties are at liberty to fix the dates/duration of the above interim custody of the minor child with the respondent to the convenience of the minor child but, without disturbing the rights of the respondent.*

*No order as to costs."*

5. We find no reason to interfere with the well reasoned and balanced order passed by the Family Court. The child is now more than 11 years of age and he is studying in Boarding School. We, therefore, presuming that he would have developed certain reasoning and understanding about his well being, he must get emotionally connected with the father and this would be in the interest of the child himself. When the Court exercises the *parens patriae* jurisdiction, it is the paramount interest

of the child which is to be taken into consideration for passing the order of the custody/visitation. We have no manner of doubt that the order passed by the Family Court requires no interference by this Court. We, therefore, ***dismiss*** this appeal.

**Sd/-**
**(D K SINGH)**
**JUDGE**

**Sd/-**
**(T.M.NADAF)**
**JUDGE**

DR
List No.: 1 Sl No.: 20
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