HC-KAR

NC: 2026:KHC:17184
WP No. 2966 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.2966 OF 2026 (GM-FC)

BETWEEN:

MR. JEBIN MATHEW VARUGHESE
S/O SHRI. C.M. VARUGHESE,
AGED ABOUT 39 YEARS,
PERMANENT ADDRESS,
CHACKALAKUZHIYIL,
CHERUKOLE KOZHENCHERRY,
PATHANAMTHITTA DT,
KERALA - 689 650.

CURRENTLY RESIDING AT:
SAI GURU ENCLAVE,
BHADRAPPA LAYOUT,
KOTI HOSHALLI,
BENGALURU - 560 095.

...PETITIONER

(BY SRI. SIDDHARTH PADMARAJ DESAI, ADVOCATE)

Digitally signed by VIJAYALAKSHMI B N
Location: HIGH COURT OF KARNATAKA

AND:

MRS. PAMELA SANSA DANIEL
W/O. JEBIN MATHEW VARUGHESE,
D/O. OOMMEN DANIEL,
AGED ABOUT 38 YEARS,
RESIDING AT:
NO.16, PUTHEN COTTAGE,
DASAPPA LAYOUT,
RAMAMURTHY NAGAR,
BENGALURU - 560 016.

...RESPONDENT

(BY SMT. SHOBHA S. BHAVIKATTI, ADVOCATE (VC))

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS IN G. AND W.C. NO.36/2025 PENDING ON THE FILE OF HON'BLE V ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, AT BENGALURU AND ISSUE A WRIT, ORDER OR DIRECTION TO THE RESPONDENT TO PERMIT THE PETITIONER TO HAVE INTERIM VISITATION RIGHTS WITH THE MINOR CHILD MASTER JORDAN ABIAH MATHEW BY ALLOWING THE PETITIONER FATHER TO PHYSICALLY MEET HIS MINOR CHILD AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

This writ petition is filed by the husband seeking a direction to the V Additional Principal Judge, Family Court, Bengaluru (hereinafter referred to as the 'Family Court') to consider and dispose I.A.No.2 filed in G & W.C.No.36/2025 seeking interim custody of his minor child in a time bound manner.

The brief facts of the case are that:

2. The marriage between the petitioner and the respondent was solemnized on 23.08.2012 at St. Thomas

Marthoma Church, Kozhencherry, in accordance with Christian marriage rites and ceremonies. Thereafter, the petitioner and the respondent moved to Bahrain in search of better employment opportunities for the petitioner. On 07.08.2016, Master Jordan Abiah Mathew was born out of the said wedlock.

3. Due to certain differences caused between petitioner and respondent, the respondent, without informing the petitioner, moved from Bahrain to Bangalore on 23.06.2024 along with the minor child, which constrained the petitioner to file W.P.No.77/2024 (Habeas Corpus) before this Court. Subsequently, the respondent appeared before this Court and the matter was disposed of with liberty to initiate appropriate steps in accordance with law.

4. Thereafter, the respondent filed G & W.C.No.448/2024 and the petitioner filed G & W.C.No.35/2025, both of which are presently pending

before the V Additional Principal Judge, Family Court at Bengaluru. In the present petition, the petitioner seeks interim visitation and interim custody and expeditious disposal of the pending applications before the V Additional Principal Judge, Family Court at Bengaluru.

5. Learned counsel for the petitioner contends that continued denial of visitation rights is causing irreparable harm to both the petitioner and the minor child and the parent-child relationship is being systematically damaged due to the prolonged separation and hence, there is necessity of urgent interim relief to protect the welfare of the child. He further contends that granting interim visitation rights to the petitioner will ensure that the minor child maintains a healthy relationship with both the parents during pendency of the custody proceedings and if the visitation rights is granted to the petitioner, no prejudice will be caused to the respondent whereas denial of such right will cause irreparable harm to the petitioner and the minor child. Hence, prays for allowing the petition

and expeditious disposal of I.A.No.2 pending before the Family Court.

6. Learned counsel for the respondent contends that the interim relief sought by the petitioner is nothing but a grant of very final relief sought in the main petition and it is settled principle of law that no interim order can be granted which amounts to granting the final relief itself, as such an order would render the main petition infructuous even before the main matter is adjudicated on merits. She further contends that a protective order has already been passed by the Family Court on 05.01.2025 in G & W.C.No.488/2024 in favour of the respondent, which restrains the petitioner from interfering with the custody, care and well being of the minor son. She further contends that respondent is the natural guardian and is presently taking care of the child's health, education, emotional and psychological well-being and there is no change in circumstances warranting a disruption of the status quo. Hence, prays for dismissal of the petition.

7. Heard learned counsel appearing for both the parties and perused the material on record.

8. Upon hearing the learned counsel appearing for the parties and on perusal of the material on record, this Court finds that certain foundational facts are not in dispute, namely, the marital relationship between the parties, the birth of the minor child on 07.08.2016, the pendency of G & W.C.No.35/2025 and that the minor child is presently in the custody of the respondent-mother and pursuing his education. It is also not in dispute that the petitioner had filed I.A. No.2 before the Family Court under Section 12 of the Guardians and Wards Act, 1890 seeking interim custody of the minor child.

9. Having regard to the paramount consideration of the welfare of the minor child and the necessity of ensuring meaningful access to both parents, this Court deems it appropriate to direct the Family Court to consider and dispose of the application – I.A.No.2 as expeditiously

as possible, in accordance with law, bearing in mind the welfare of the child and the settled principles governing visitation and shared parenting.

10. In view of the above, I proceed to pass the following:

ORDER

(i) Writ petition is ***disposed of***.

(ii) The Court of Principal Judge, Family Court, Bengaluru is directed to take all steps for disposal of I.A.No.2 in G & W.C.No.36/2025 in a time-bound manner and ***as expeditiously as possible***.

(iii) Registry to forward a copy of this order to the concerned Court forthwith.

SD/-
(DR.K.MANMADHA RAO)
JUDGE

MH/-
List No.: 1 Sl No.: 72