



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 3104 OF 2023 (GM-FC)

C/W

WRIT PETITION NO. 21797 OF 2023 (GM-FC)

IN WP NO. 3104/2023

BETWEEN:

1. MRS. GARIMA MISHRA
AGED ABOUT 40 YEARS
W/O APARMAYA SHUKLA
RESIDING AT FLAT E5-903,
SNN RAJ GREENBAY APARTMENTS,
ELECTRONIC CITY , PHASE-2,
BENGALURU-560100.

...PETITIONER

Digitally signed
by AASEEFA
PARVEEN

(BY SRI. MURTUZA ALI BAIG., ADVOCATE FOR
SRI. OMRAN KHAN., ADVOCATE)

Location: HIGH
COURT OF
KARNATAKA

AND:

1. MR. APARMAYA SHUKLA
AGED ABOUT 40 YEARS
S/O SUSHIL KUMAR SHUKLA
RESIDING AT 5-B, KASTURBANAGAR,
NEAR TUBEWELL SIGRA,
CHITTUPUR, MAHMOOR GANJ,
VARANASI, UTTAR PRADESH-221010
ALSO AT, FLAT E5- 903, SNN RAJ GREENBAY
APARTMENTS , ELECTRONIC CITY, PHASE-2,
BENGALURU-560100



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WP No. 3104 of 2023
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PRESENTLY AT
FLAT NO.534, RAINDROPS APARTMENT
HARALUR ROAD,
AMABALIPURA, BENGALURU-560102.

...RESPONDENT

(BY SRI. P. B. RAJU., ADVOCATE FOR
SRI. A RAVISHANKAR.,ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE
A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT,
ORDER OR DIRECTION QUASHING THE ORDER PASSED BY THE
LD.VI ADDL. DISTRICT & SESSIONS JUDGE, BENGALURU
RURAL AT BENGALURU, DATED 21.01.2023 IN IA NO.1 FILED
IN G & WC NO.35/2021 PRODUCED HEREIN AS ANNEXURE-A
TO THIS WRIT PETITION.

IN WP NO. 21797/2023

BETWEEN:

1. MR. APARMAYA SHUKLA
AGED ABOUT 42 YEARS,
S/O. SUSHIL KUMAR SHUKLA,
R/AT 5-B, KASTURABANAGAR,
NEAR TUBEWELL SIGRA,
CHITTUPUR, MAHOOR GANJ,
VARANASI, UTTAR PRADESH-221 010.

ALSO AT FLAT E-5, 903,
SNN RAJ GREENBAY APARTMENTS,
ELECTRONIC CITY PHASE-2,
KARNATAKA, BENGALURU-560 100.

PRESENTLY AT
FLAT NO. 534, RAIN DROP APARTMENTS,



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HARALUR ROAD,
AMBALIPURA,
BENGALURU-560 102.

...PETITIONER

(BY SRI. P. B. RAJU., ADVOCATE FOR
SRI. A RAVISHANKAR., ADVOCATE)

AND:

1. MRS. GARIMA MISHRA
AGED ABOUT 41 YEARS,
W/O. APARMYA SHUKLA,
CURRENTLY RESIDING AT FLAT E-5, 903,
SNN RAJ GREENBAY APARTMENTS,
ELECTRONIC CITY PHASE-2,
KARNATAKA, BENGALURU-560 100.

...RESPONDENT

(BY SRI. MURTUZA ALI BAIG., ADVOCATE FOR
SRI. OMRAN KHAN., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DTD 17.8.2023 PASSED ON IA DTD 5.4.2023 (IA NO.2) BY THE VI ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU IN G AND WC NO.35/2021 VIDE ANNEXURE-A BY ALLOWING INTERLOCUTORY APPLICATION DTD 5.4.2023 (IA NO.2) FILED BY THE PETITIONER AND HANDOVER THE PHYSICAL POSSESSION OF THE CHILD SAANVIKA SHUKLA ALIAS MEETHI TO THE PETITIONER.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL ORDER

Heard Sri.P.B.Raju who represents Sri.A. Ravishankar learned counsel for the petitioner in writ petition No.21797/2023 who also represents the respondent in the connected matter. Also heard Sri. Murtuza Ali Baig, who represents Sri.Omran Khan learned counsel on record for the petitioner in writ petition No.3104/2023 who also represents the respondent in the connected matter.

2. As the parties in both the writ petitions are common and as their relationship is not in dispute, they will hereafter be referred to as husband and wife.

3. While writ petition No.3104/2023 is filed by wife seeking the Court to issue a writ of certiorari and to quash the order that is rendered by the Court of VI Additional District and Sessions Judge, Bengaluru Rural on I.A No.I in G&WC No.35/2021 dated 21.01.2023, writ petition No.21797/2023 is filed by husband seeking the Court to



set aside the order that is rendered by the same court in the same case however on the order dated 17.08.2023.

4. Father filed a petition that is I.A No.I seeking visitation rights of his child Ms.Saanvika Shukla. District Court allowed the said interlocutory application in part and granted interim custody of the child to father on every Saturday from 12.00 noon to 02.00 p.m and for four hours on festival days i.e., Dasara, Diwali, Christmas, Ugadi, Holi, Gowri/Ganesh Chaturthi and for four hours on 28th September being the birthday of the child. Aggrieved by the order thus passed, wife filed writ petition No.3104/2023.

5. Projecting that wife is guilty of continuous breach of the order passed on I.A No.I, husband filed an application seeking custody of the child. The said interlocutory application was dismissed by order dated 17.08.2023 and aggrieved by the same, husband filed writ petition No.21797/2023.



6. Learned counsel who represents wife submits that as on the date of order in I.A No.I, the child was aged around 3 years and as the child of that age could not be handed over to husband, the orders on I.A No.I were challenged. However as of now, wife is complying the order and thus, necessary orders may be passed in the said writ petition.

7. Learned counsel who represents husband submits that wife never obliged the orders passed on I.A No.I and hence husband initiated contempt proceedings against wife and in the order rendered in the contempt petition also there is a clear observation that wife committed breach of the orders on I.A. No.I. Learned counsel states that the child needs proper treatment and husband is ready and willing to take the child to any of the best specialists available and incur all medical expenditure and thus custody has to be given to the father.



8. There is no denial of the fact that the child suffers from physiological disorder. Material available on record reveals that the husband and wife are on loggerheads since the birth of the child. wife is required to abide by the order rendered on I.A No.I until the said order is set aside or modified. However only basing on the allegation that wife has committed breach of the order rendered on I.A No.I, husband cannot seek permanent custody of the child.

9. District Court taking into consideration the entire factual scenario and the welfare of the child passed reasoned orders. Therefore, this Court is of the view that there are no grounds to entertain these writ petitions. Resultantly, the following:-

ORDER

- i. Both the writ petitions are dismissed.
- ii. In the light of the submission that is made by Sri.P.B.Raju who represents the husband that



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the child needs immediate medical care and attention, in case any application seeking any directions for such medical care are filed, the Court of VI Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru is directed to dispose of those interlocutory applications without delay.

SD/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 SI No.: 2