



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 3798 OF 2026 (GM-FC)

BETWEEN:

SRI REDDY VENKATESH KAKIMAANI
S/O PANDURANGAIAH GUPTHA
ADOPTIVE FATHER OF THE MINOR CHILD
AGED 42, HINDU MALE,
RESIDENT OF FLAT NO.302,
NISHI PALACE APARTMENTS,
NO.225, 9TH MAIN, 1ST BLOCK,
HRBR LAYOUT,
BENGALURU – 560 043.

...PETITIONER

(BY SRI. REDDY VENKATESH KAKIMAANI (PARTY-IN-PERSON))

AND:

1. AKSHATA RADHAKRISHNA NAIK
D/O RADHAKRISHNA KUNDAPUR NAIK
AGED 36, HINDU FEMALE
RESIDENT OF NO.108, 1ST FLOOR,
2ND E CROSS, BALAJI LAYOUT,
OMBR LAYOUT, BANASWADI,
BENGLAURU- 560 043.
(RESPONDENT IN G AND WC)
NO.301/2025 AND G AND WC NO. 499/2025).
2. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF WOMEN AND CHILD
DEVELOPMENT,
VIDHANA SOUDHA
BENGALURU.

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



3. THE CHAIRPERSON
CHILD WELFARE COMMITTEE,
DR.M.H.MARIGOWDA ROAD,
BEHIND KIDWAI HOSPITAL, HOSUR,
BENGALURU URBAN DISTRICT.

...RESPONDENTS

(BY SRI.BHOJEGOWDA T.KOLLER, AGA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER DATED 24.11.2025 PASSED ALLOWING IA NO.5 UNDER ORDER 7 RULE-11 PAGE:30 IN G AND WC NO. 301 OF 2025 (ANNEXURE-A), ON THE GROUND THAT THE FAMILY COURT FAILED TO EXERCISE ITS STATUTORY WELFARE JURISDICTION OR PASS DIRECTIONS FOR EXPEDITIOUS DISPOSAL OF G & WC- 499/25 ALTERNATIVELY AND ETC.

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

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

ORAL ORDER

Petitioner/party-in-person has filed the writ petition under Article 227 of the Constitution of India with the following questions of law, grounds and prayer:-

"QUESTIONS OF LAW

A. Whether a Family Court can terminate guardianship or access proceedings at the threshold without conducting any welfare enquiry, despite prima facie material indicating an existing parent-child bond?

B. Whether Section 19(b) of the Guardians and Wards Act, 1890 can be invoked to non-suit a petition



HC-KAR

where natural guardianship itself is disputed and adoption is a triable issue?

C. Whether failure to consider Section 7 of the Hindu Minority and Guardianship Act, 1956, after noticing prima facie evidence of adoption, vitiates the dismissal?

D. Whether Order VII Rule 11 CPC can be mechanically applied in child-welfare matters without recorded reasons for bypassing welfare enquiry?

E. Whether unilateral removal and loss of continuity constitute continuing harm warranting constitutional intervention?

F. Whether objections containing allegations affecting welfare and maintainability can be acted upon without affidavit-based verification of objections?

G. Whether first-responder failure by police and CWC defeats the State's Parens Patriae obligation in child-welfare matters?

H. Whether Family Courts are bound to mandatorily apply binding child-centric jurisprudence, including Jyoti Priya v. Paul Goodwin, rather than treating such principles as discretionary?

GROUND

Ground A - Welfare Jurisdiction Abdicated

*The impugned dismissal (**Annexure-A**) violates Section 13 HMGA read with Sections 7 and 17 G&WA. Welfare is not a discretionary consideration but the **supreme and overriding determinant**, which the Family Court failed to exercise.*

Ground B - Failure to Apply Section 7 HMGA

While the impugned order discusses Section 6 HMGA and acknowledges the possibility of adoption, it completely ignores Section 7 HMGA, which governs the legal effect of adoption. Prima facie evidence of religious adoption (Annexures-I & J) was available and required adjudication.



Ground C - Misapplication of Section 19(b) G &
WA

Section 19(b) cannot bar adjudication where guardianship itself is a triable issue. Where guardianship itself is disputed, its invocation at the threshold was legally untenable.

Ground D- Mechanical Application of Order VII Rule 11 CPC

Order VII Rule 11 must be applied sparingly in child-welfare matters. Mechanical dismissal without welfare enquiry defeats the object of family adjudication.

Ground E - Absence of Verified Objections Affecting Welfare

Objections containing allegations that directly affect welfare and maintainability must be supported by affidavit-based verification. Criminal law mandates verification before coercive action; lesser discipline in child-welfare adjudication is impermissible.

Ground F- Unverified Allegations Influencing Dismissal

Objections containing allegations that directly affect welfare and maintainability must be supported by affidavit-based verification. Criminal law mandates verification before coercive action; lesser discipline in child-welfare adjudication is impermissible. Sweeping allegations on oath affecting welfare were acted upon without scrutiny or verification, encouraging misuse of process.

Ground G- Unilateral Removal and First-Responder Failure

*Unilateral removal constitutes a welfare emergency. The failure of Respondents No. 2 and 3 to act on the complaint **(Annexure-G)** allowed irreversible harm through delay thereby defeating the State's 'Parens Patriae' obligation.*



Ground H - Continuity as Paramount Consideration

Loss of continuity during interregnum periods causes continuing harm. Courts are obligated to preserve relational continuity pending adjudication.

Ground I-Non-Enforcement of Binding Child-Centric Guidelines

*Failure to apply binding child-centric guidelines laid down in 'Smt. Jyoti Priya v Paul Goodwin J Judgement by Hon'ble High Court, Dharwad Bench, Karnataka, regarding timelines for interim access vitiates proceedings shown in **Annexure-E.***

Ground J - Violation of Article 14

The cumulative effect of mechanical dismissal, verified falsehoods, coercive criminal process, and welfare abdication constitutes arbitrary State action.

PRAYERS

In the facts and circumstances stated hereinabove, the Petitioner respectfully prays that this Hon'ble Court may be pleased to:

*a) Issue a writ of certiorari quashing the order **dated 24.11.2025** passed allowing I.A.No.5 under order 7 Rule 11 Pg:30 in **G & WC No.301 of 2025 (Annexure-A)**, on the ground that the Family Court failed to exercise its statutory welfare jurisdiction or pass directions for expeditious disposal of G & WC-499/2025 alternatively.*

b) Declare that child-centric proceedings cannot be terminated at the threshold without a welfare enquiry and never without recorded reasons.

*c) Declare that **Section 19(b) of the G &WA cannot** be invoked to non-suit a petition where adoption is a triable issue.*

d) Declare that objections and pleadings in child-welfare proceedings, which have the effect of terminating,



*suspending, or stalling parent-child access, shall be entertained **only with affidavit-based verification**, consistent with the Parens Patriae jurisdiction of Family Courts.*

e) Declare that unilateral removal of a minor child from an established caregiving environment, in the absence of any judicial finding of risk, constitutes a welfare-impacting event attracting immediate protective scrutiny under Articles 14 and 21 of the Constitution, necessitating continuity-preserving interim safeguards.

*f) Declare that the absence of any structured first-responder protocol for complaints of child removal or parental alienation, when contrasted with immediate police action in matrimonial offences, results in a **constitutional asymmetry** adversely affecting the fundamental rights and welfare of the child.*

*g) Issue a writ of **mandamus** directing the State of Karnataka to examine and place before this Hon'ble Court the existing procedures, if any, governing police and Child Welfare Committee response to complaints of child removal and denial of access, and to take remedial steps consistent with child-centric welfare jurisprudence and constitutional obligations.*

*h) Declare that the timelines and safeguards mandated by this Hon'ble Court in **Smt. Jyoti Priya v. Shri Paul Goodwin J. (ILR 2021 KAR 4894)** are **binding and non-discretionary**, and that Family Courts are under a constitutional obligation to adopt a **zero-tolerance approach to delay**, including repeated adjournments, deferment of interim access applications, or procedural devices that result in prolonged severance of parent-child relationships.*

i) Issue a writ of mandamus directing the Family Court-III, Bengaluru, to take up and dispose of G & WC No. 499 of 2025. EXPEDITIOUSLY.

j) Pass such other order or orders as this Hon'ble Court may deem fit in the interest of justice."



2. On perusal of the memorandum of petition and on hearing submissions of the petitioner (party-in-person), it is observed that this petition is filed under Article 227 of the Constitution of India is not proper. It is observed that on one hand, the petitioner has challenged the impugned order dated 24.11.2025 and further made submissions with regard to his other grievances against the Government Authorities about their deficiency of the services in respect of his complaint filed before the concerned authorities. Further, it is observed that this Court has no jurisdiction to entertain this writ petition. In view of the same, the petitioner (party-in-person) is directed to approach appropriate forum and avail alternative remedies available under law with regard to the grievance against the Government Authorities are concerned and further petitioner is at liberty to challenge the impugned order dated 24.11.2025 by filing separate writ petition.



3. With the above observation, the writ petition is
disposed of.

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

MH/-
List No.: 1 Sl No.: 27