



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.3974 OF 2026 (GM-FC)

C/W

WRIT PETITION NO.6385 OF 2026 (GM-FC)

IN WP No.3974/2026:

BETWEEN:

SMT.LIVYA K. C..
W/O. SRI. CHETHAN. D,
D/O. SRI. K.M. CHANDRA
AGED 30 YEARS
RESIDING AT NO.410,
28TH MAIN ROAD, 7TH CROSS,
H.S.R LAYOUT, 1ST SECTOR,
BANGALORE - 560102.

...PETITIONER

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA

(BY SMT. T. R. RAJESHWARI, ADVOCATE)

AND:

SRI CHETHAN D.,
S/O. SRI. B.P.DHANPRAKASH REDDY,
AGED ABOUT 31 YEARS
RESIDING AT NO. 25, 16TH MAIN ROAD,
15TH CROSS, B.T.M. LAYOUT 2ND STAGE,
BANGALORE - 560 076.

ALSO RESIDING AT:
SRI. CHETHAN D.,



NC: 2026:KHC:29310
WP No. 3974 of 2026
C/W WP No. 6385 of 2026

S/O. SRI. B.P.DHANPRAKASH REDDY,
AGED ABOUT 31 YEARS
RESIDING AT NO. 19/4,
OPP TO SRI HARI RESIDENCY,
ANNAIAH REDDY LAYOUT,
BELLENDUR, BANGALORE - 560 103.

...RESPONDENT

(BY SRI. S. VINAYAK, ADVOCATE FOR
SMT. A. LALITHA, ADVOCATE FOR C/R IN
CP NO. 2727/2026)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE
ORDER PASSED BY THE VI ADDL. PRINCIPAL FAMILY JUDGE.
BANGALORE, ON IA.NO.III FILED UNDER SECTION 12 OF
GUARDIANS AND WARDS ACT- 1890 R/W SECTION 10(3) OF
THE FAMILY COURTS ACT-1984 IN G AND WC NO.131/2025
DATED 30-01-2026, PRODUCED AND MARKED AT
ANNEXURE-E.

IN WP NO. 6385/2026:

BETWEEN:

CHETHAN.D,
S/O SRI. B.P.DHANAPRAKASH REDDY,
AGED ABOUT 33 YEARS,
OCC-CIVIL CONTRACTOR,
R/AT NO.19/4, OPP. TO SRI HARI RESIDENCY,
ANNAIAH REDDY LAYOUT,
BELLENDUR, BENGALURU-560 103.

...PETITIONER

(BY SRI. S. VINAYAK, ADVOCATE FOR
SMT. LALITHA A.,ADVOCATE)



NC: 2026:KHC:29310
WP No. 3974 of 2026
C/W WP No. 6385 of 2026

AND:

SMT. LIVYA. K.C.,
W/O SRI. CHETHAN D.,
D/O SRI.K.M.CHANDRA,
AGED 31 YEARS,
OCC-LIFE COACH AND
BUSINESS WOMAN,
R/O NO.410, 28TH MAIN ROAD,
7TH CROSS, H.S.R.LAYOUT,
1ST SECTOR, BENGALURU-560 102.

...RESPONDENT

(BY SMT. T.R. RAJESHWARI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI, AGAINST THE ORDER PASSED IN G AND WC NO. 131/2025 BY THE HONBLE 6TH ADDITIONAL PRINCIPAL FAMILY JUDGE, AT BENALURU, DATED 30/01/2026, IN IA NO. 3, PRODUCED AT ANNEXURE-V, AND GRANT THE INTERIM CUSTODY OF THE MINOR DAUGHTER TO THE PETITIONER AS PRAYED FOR, IN TERMS OF IA NO. 3, FILED BEFORE THE HONBLE 6TH ADDITIONAL PRL. FAMILY JUDGE AT BENGALURU IN G AND WC NO. 131/2025.

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 Smt.T.R.Rajeshwari, learned counsel for the petitioner in Writ Petition No.3974/2026, who is appearing for the respondent in the connected writ petition. Also heard Sri Vinayak S., who represents Smt.Lalitha A., learned counsel on record for the respondent in Writ Petition No.3974/ 2026, who is appearing for the petitioner in the connected writ petition i.e. Writ Petition No.6385/2026.

2. These two writ petitions came to be filed challenging the same order i.e. the order passed by the Court of VI Additional Principal Judge, Family Court, Bengaluru on IA No.III in G&WC No.131/2025 dated 30.01.2026. As the status of parties is not in dispute, they will hereinafter be referred to as 'husband and wife'.

3. Wife filed a petition under Sections 7 and 25 of the Guardians and Wards Act, 1890 seeking the Court to appoint her as the legal guardian of the minor child Kum.Lahari Chetan Reddy. While the proceedings were going on in the said case, father filed IA No.III seeking interim custody of the child on every weekend with overnight stay. Family Court disposed of



the said Interlocutory Application, permitting father to have interim custody of the child on every first Saturday and first Sunday in the month. He was directed to pick up the child from the residence of his wife on every Saturday and drop back the child on the next Sunday by 06.00 p.m. With a version that such custody is unwarranted, wife filed Writ Petition No.3974/2026. Projecting that custody should be given every week, husband filed Writ Petition No.6385/2026.

4. Learned counsel who represents the wife i.e. Smt.T.R.Rajeshwari submits that husband never took care of the child. While the child was in the custody of the husband, the child sustained an injury over her chin. Said fact was not even informed to the mother. That apart, while the husband holds the custody of the child, he speaks ill of his wife and thereby projects hatredness towards her client in the mind of the child. Also he takes the child to all his relatives' houses while the child is in his custody and projects as if he takes good care of the child. Thus, it is not safe to keep the child under the custody of the husband and therefore, the impugned order is liable to be set aside.



5. Vehemently opposing the submission thus made, learned counsel who represents the husband Sri. Vinayak S., contends that father has got every right to spend time with the child. Child is comfortable in the custody of her father. That apart the grand-mother of the child i.e. the mother of his client takes good care of the child. Love and affection of both parents is required for the child to grow up. Father has sought weekend custody of the child and therefore Family Court ought to have granted the custody of the child every weekend, but it did not do so. Therefore, modifying the impugned order, custody of the child during every weekend may be granted.

6. On going through the relevant material that is brought on record, it is clear that both parties are trying to satisfy their own egos, fighting against each other and their fight is resulting in much hardship to the child who is aged around four and half years. During the course of submission, when learned counsel who represents the wife referred to the report of the Counselling Psychologist dated 30.03.2024 in respect of psychological evaluation of the child, learned counsel who represents the husband contended that the contents of the said report are all false. Learned counsel who represents the



husband stated that in the said report the age of the child is mentioned as 3 years 7 months, but indeed by the said date the child is aged around 2 years 7 months only. This Court does not understand as to why evaluation by the psychologist is required for such tender aged child. These facts goes to show that parties to the proceedings though project that they have abundant love and affection towards the child, but said love and affection is indeed much lesser than that of their rivalry and their egos for settling their scores against each other.

7. So far as the merits in these writ petitions are concerned, this Court does not find any such unwarranted situation or grave necessity so as to prevent the father of the child from having interim custody of the child. Likewise, this Court also does not find any such necessity to direct the wife to give interim custody of the child to her husband every weekend as sought for.

8. Even adults while they travel from one place to another which necessitates them to stay for more than a day, while waking up from deep sleep in the morning, sometimes forget that they are staying in a different place and they feel as



if they are in their place of residence where they spent time in the natural course. That being the situation, one can presume without contradiction that a child of four and half years if she wakes up in the morning at a new place, she gets confused and becomes emotionally disturbed. Therefore, this Court is of the view that granting overnight stay should be avoided, that too for a child of four and half years. Hence, this Court considers desirable to dispose of these writ petition, canceling the overnight custody of the child by the father and enlarging the time which father spends with the child during day time. Therefore, both the writ petitions are disposed of with the following:

ORDER

- (i) The order that is rendered by the Court of VI Additional Principal Judge, Family Court, Bengaluru on IA No.III in G&WC No.131/2025 dated 30.01.2026 is modified.
- (ii) Father of the minor child Kum.Lahari Chetan Reddy i.e. Sri.Chethan D. is permitted to have interim



NC: 2026:KHC:29310
WP No. 3974 of 2026
C/W WP No. 6385 of 2026

custody of the child on every first Sunday and third Sunday from 10.00 a.m. to 5.00 p.m.

(iii) Father of the child is permitted to pick up the child from the residence of his wife and he shall drop back the child by 05.00 p.m. at the residence of his wife.

(iv) Both the writ petitions are accordingly disposed of.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

AP
CT:TSM
List No.: 1 Sl No.: 24