

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.5629 OF 2026 (GM-FC)

C/W

WRIT PETITION NO.5878 OF 2026 (GM-FC)

IN WP No.5629/2026

BETWEEN:

SMT. VASUKI MURALI
W/O. PRAMOD SRIDHAR,
AGED ABOUT 36 YEARS,
RESIDING AT NO.207,
GREATER KAILASH APARTMENTS,
1ST CROSS, MURUGESHPALYA,
BENGALURU - 560 017.

...PETITIONER

(BY SMT.S.SUSHEELA, SENIOR COUNSEL FOR
SRI.SHIRISH KRISHNA.,ADVOCATE)

AND:

SRI. PRAMOD SRIDHAR,
S/O. D.S. SRIDHAR,
AGED ABOUT 40 YEARS,
RESIDING AT 104, BAHWAN TOWERS,
AL NAHDA, DUBAI, UAE.

ALSO RESIDING AT:

NO.542, NIJA PAADA,
BHARAT HOUSING CO-OPERATIVE SOCIETY,
NEAR NPS HIGH SCHOOL,
UTTARAHALLI,
BENGALURU SOUTH,
BENGALURU - 560 061.

...RESPONDENT

(BY SRI.GOWTHAM RAGHUNATH.,ADVOCATE)

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Location: HIGH
COURT OF
KARNATAKA

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 03.02.2026 PASSED ON I.A. NO. II AND I.A. NO. VI IN G AND WC NO.477/2025 BY THE COURT OF THE I ADDL. PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, PRODUCED AS ANNEXURE-A HERETO AND QUASHING, ALLOW I.A. NO. II (ANNEXURE-C) FILED BY THE PETITIONER IN G AND WC NO. 477/2025 UNDER ORDER XXXIX RULES 1 AND 2 R/W SECTION 151 OF CPC R/W SECTION 10 OF THE FAMILY COURTS ACT, 1984, BY GRANTING TEMPORARY INJUNCTION RESTRAINING THE RESPONDENT, HIS FAMILY MEMBERS, AGENTS, SERVANTS OR ANY PERSONS CLAIMING UNDER HIM FROWN IN ANY WITH TAKING AWAY THE CUSTODY OF TREE MISS DHETTE FROM THE PETITIONER. PENDING DISPOSAL OF G AND WC NO. 477/2025.

IN WP NO.5878/2026

BETWEEN:

SMT. VASUKI MURALI
W/O. PRAMOD SRIDHAR,
AGED ABOUT 36 YEARS,
RESIDING AT NO.207,
GREATER KAILASH APARTMENTS,
1ST CROSS, MURUGESHPALYA,
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BENGALURU SOUTH,

BENGALURU - 560 061.

...RESPONDENT

(BY SRI.GOWTHAM RAGHUNATH.,ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI, QUASHING THE IMPUGNED ORDER DATED 03.02.2026 PASSED IN I.A. NO. IV AND I.A. NO.V IN G AND WC NO.477/2025 BY THE COURT OF THE 1 ADDL. PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, PRODUCED AS ANNEXURE-A HERETO AND ETC.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 18.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV ORDER

The W.P. No.5629/2026 is directed against the order passed on I.A.No.II and I.A.No.VI, whereby the application filed by the petitioner under Order XXXIX Rules 1 and 2 of CPC seeking temporary injunction came to be rejected and the application filed by the respondent under Order XXXIX Rule 4 CPC came to be allowed, resulting in vacation of the ex parte injunction granted on 08.12.2025.

The W.P.No.5878/2026 is directed against the order passed on I.A.No.IV and I.A.No.V, whereby the Family Court has granted visitation rights to the respondent-father, including overnight visitation, video call access and interim custody during school vacations.

2. Since both writ petitions arise out of the same proceedings and concern the custody and welfare of the same minor child, they are heard together and are disposed of by this common order.

3. The petitioner herein is the mother and the respondent herein is the father of the minor child. They were arrayed as petitioner and respondent respectively before the Family Court.

4. The brief facts of the case are that:–

The petitioner-mother and the respondent-father are legally wedded wife and husband. Their marriage was solemnized on 03.08.2014 at Bengaluru. The parties resided predominantly abroad, including in Dubai, UAE. Out of their wedlock, minor daughter Dhriti was born on

19.05.2020. From the time of the child's birth, the petitioner has been the primary and continuous caregiver, solely responsible for her day-to-day care, upbringing and development of the child.

5. During the subsistence of the marriage, the respondent was stated to have exhibited a pattern of volatile and abusive behaviour, including repeated instances of physical violence, verbal abuse, reckless conduct and habitual intoxication. Incidents between 2016 and 2017, including an assault in Muscat, Oman, have been specifically pleaded. It is further averred that the respondent subjected the minor child to harsh and disproportionate punitive measures at a tender age, including physical striking and confinement and engaged in conduct such as reckless driving and repeated statements to the child suggesting that the petitioner would abandon her, thereby causing significant psychological distress, fear and separation anxiety in the child.

6. In January 2025, the petitioner discovered material on the respondent's device indicating extramarital conduct. Apprehending escalation of violence and adverse impact on the minor, the petitioner travelled to India with the child on or about 16.02.2025 and has since been residing in Bengaluru in a stable and secure environment. It is further pleaded that the petitioner is a homemaker without independent income, whereas the respondent is employed abroad and has exercised financial control without making adequate contribution towards the household and the child's welfare.

7. At this interlocutory stage, this Court refrains from recording any conclusive findings on the allegations made by either party, including those relating to matrimonial discord and conduct, which are matters to be adjudicated upon evidence in the main proceedings. The same are noted only to the limited extent necessary for consideration of the interim reliefs.

8. Efforts at pre-litigation mediation between March 2025 and May 2025 did not culminate in any settlement. Thereafter, despite a mutually agreed cooling-off period, the respondent was stated to have engaged in repeated and coercive communication insisting on access to the minor, causing distress to both the child and the petitioner. In these circumstances, the petitioner instituted G & WC No.477/2025 on 04.12.2025 before the Family Court seeking declaration of guardianship, permanent custody and maintenance. Alongside, the petitioner filed I.A.No.II seeking an ad-interim injunction restraining interference with the custody of the minor. By order dated 08.12.2025, the Family Court granted an ex parte injunction in favour of the petitioner. The petitioner thereafter complied with the requirements of Order XXXIX Rule 3(a) CPC by furnishing copies of pleadings and documents to the respondent.

9. The respondent subsequently filed I.A.No.VI under Order XXXIX Rule 4 of the CPC seeking vacating of the interim order, inter alia alleging suppression of mediation

proceedings, non-disclosure of alleged maintenance payments and non-compliance with procedural requirements, including non-service of a pen-drive said to contain electronic records. The petitioner filed detailed objections denying the said allegations. Upon hearing both parties, the Family Court, by common order dated 03.02.2026, rejected I.A.No.II, allowed I.A.No.VI and vacated the ex parte injunction, on the ground of alleged suppression of mediation and absence of material demonstrating interference with custody.

10. Aggrieved by the said order the petitioner has filed W.P.No.5629/2026 before this Court.

11. On the other hand, during the pendency of the G & WC proceedings, the respondent-father filed I.A.No.IV and I.A.No.V under Section 26 of the Hindu Marriage Act,1955, r/w Section 151 of the CPC seeking extensive visitation rights, including overnight custody once every month, regular video call access and interim custody of the minor during school vacations.

12. The petitioner filed detailed objections, stating that interaction between the respondent and the minor child is not opposed in principle, any access must be gradual, structured, supervised, and aligned with the wishes, comfort, and welfare of the minor child, particularly considering her tender age, emotional vulnerability, and settled maternal custody.

13. On 20.01.2026, during the course of proceedings, the respondent was permitted to meet the minor child in the visitation hall, and the Family Court recorded that the child appeared comfortable during the brief interaction. Thereafter, by the impugned Order dated 03.02.2026, Family Court granted overnight visitation on every second weekend (Saturday to Sunday), periodic video call access during the week, and interim custody of the minor child during the first half of all school vacations i.e., summer vacation, dasara vacation, diwali vacation, Christmas vacations by communicating with the petitioner one month prior to availing said relief and also giving

particulars to the petitioner well in advance about his travel plan with minor child during the said vacations.

14. Aggrieved by the impugned order dated 03.02.2026 on I.As.No.IV and V, passed by the Family Court, the petitioner preferred W.P.No.5878/2026 before this Court.

15. The learned counsel for the petitioner in WP 5629/2026 contends that the Family Court has failed to apply the settled principle that in all matters concerning custody of a minor, the welfare of the child is the paramount consideration. It is submitted that the petitioner has been the primary and continuous caregiver of the minor child aged about 5½ years and the existing custody ought to have been protected, particularly in view of the respondent residing abroad, which gives rise to a reasonable apprehension of removal of the child from jurisdiction.

16. It is further contended that the Family Court has erroneously vacated the injunction on the ground of alleged suppression of facts and absence of documentary proof of interference, which are not determinative in custody matters. It is urged that the non-disclosure of pre-litigation mediation and a prior meeting with the child, does not amount to material suppression. While Section 22 of the Mediation Act, 2023 mandates confidentiality of the contents of mediation, the mere factum of parties having participated in mediation proceedings is not *per se* confidential. However, such disclosure assumes relevance when equitable relief is sought, and omission thereof may be examined in the context of *bona fides* of the party approaching the Court.

17. Insofar as W.P. No.5878/2026 is concerned, it is contended that the Family Court has granted extensive visitation and interim custody without undertaking a comprehensive welfare assessment and has placed undue reliance on a single instance of interaction dated 20.01.2026. It is submitted that the child, being of tender

age, requires stability and gradual familiarisation, and that the grant of overnight visitation and extended vacation custody disrupts the settled environment of the child.

18. It is further contended that the impugned orders do not consider the practical aspects of the child's schooling, daily routine and emotional dependency on the petitioner, and therefore suffer from non-application of mind warranting interference.

19. *Per contra*, the learned counsel for the respondent-father supports the impugned orders and submits that the petitioner, while seeking equitable relief of injunction, has failed to disclose material facts relating to pre-litigation mediation and prior access granted to the respondent, which were subsequently admitted in her objections. Such suppression disentitles the petitioner from seeking equitable relief.

20. It is further argued that no material has been placed on record to demonstrate any interference with the custody of the minor child by the respondent, and

therefore the Family Court was justified in vacating the injunction. It is also contended that the impugned orders is based on sound principles governing grant of interim relief and does not suffer from any perversity.

21. In respect of visitation, it is contended that the Family Court has taken into account the interaction between the father and the child on 20.01.2026, wherein the child identified the respondent, expressed comfort and affection, thereby demonstrating an existing emotional bond.

22. It is further submitted that the visitation granted is structured and subject to safeguards, including restriction on taking the child outside Bengaluru and requirement of prior intimation for vacation custody, and that the order seeks to balance the welfare of the child with the right of the father to maintain a relationship with the child.

23. Heard learned counsel appearing on either side.

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24. Having considered the contentions advanced, the material on record discloses that the petitioner had obtained an ex parte injunction on 08.12.2025, which has been vacated by the Family Court by the impugned order dated 03.02.2026. The Family Court has recorded a specific finding that the petitioner has not disclosed the factum of pre-litigation mediation and the prior meeting between the child and the respondent, though such facts were admitted in her objections to other applications.

25. The Family Court has further held that disclosure of the existence of mediation proceedings does not violate the confidentiality contemplated under Section 22 of the Mediation Act, 2023. This Court finds merit in the said reasoning, inasmuch as the statutory bar operates in respect of the contents and substance of mediation and not the mere fact that such proceedings were undertaken. The non-disclosure of such fact, particularly when interim

equitable relief is sought, was therefore rightly taken into consideration by the Family Court.

26. This Court finds no perversity in the said reasoning. The Family Court has not adverted to the contents of mediation, but only to the existence of such proceedings and prior access, which are relevant to the nature of relief sought.

27. In such circumstances, the refusal to continue the interim injunction cannot be said to be arbitrary or perverse. The apprehension expressed by the petitioner regarding possible removal of the minor child from the jurisdiction, though urged, is not supported by any material indicating a real or imminent threat, and therefore cannot, by itself, justify continuation of an order of injunction.

28. It is well settled that in all matters relating to custody and access, the welfare and best interest of the minor child is of paramount consideration. Even from the standpoint of the welfare of the child, continuation of an

injunction restraining access to the father, in the absence of demonstrable risk or harm, would not be justified.

29. It is also apposite to note that under Section 17 of the Guardians and Wards Act, 1890, the welfare of the minor is the paramount consideration in matters relating to custody and guardianship, which principle guides the adjudication of the present case.

30. In view of the aforesaid discussion, this Court finds that the impugned order passed by the Family Court vacating the ex parte injunction does not suffer from any perversity, jurisdictional error or manifest illegality warranting interference in exercise of supervisory jurisdiction under Articles 226 and 227 of the Constitution of India. Accordingly, W.P. No.5629/2026 stands ***dismissed.***

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31. The challenge in this writ petition is to the grant of visitation rights and interim custody to the respondent–

father by order dated 03.02.2026. The impugned order indicates that the Family Court has taken into consideration the interaction between the respondent and the minor child on 20.01.2026, wherein the child identified the father, hugged him and appeared comfortable in his presence. Based on the said interaction, the Family Court has formed an opinion that it is necessary to facilitate continued contact between the father and the child in order to develop emotional bonding.

32. The visitation granted is structured, providing for specific timings, return of the child within a stipulated period, and a restriction that the respondent shall not take the child outside the jurisdiction of Bengaluru. The impugned order on I.A.No.IV and V also provides for regulated video call interaction and requires prior intimation and disclosure of travel plans before exercise of vacation custody. Having regard to the tender age of the minor child, the visitation arrangement shall be implemented in a phased and child-sensitive manner,

ensuring that the comfort, emotional well-being and routine of the child are not disrupted.

33. In this regard, it is also apposite to note the Calcutta High Court, have evolved guiding principles to regulate visitation in custody matters, which has been adopted by all the Courts as well as Division Bench of this Court emphasizing that access to the non-custodial parent must be structured, gradual and aligned with the comfort and welfare of the minor child, while at the same time ensuring that the child is not deprived of the affection and company of either parent. Though such principles are not binding, they serve as useful guidance in assessing whether the visitation arrangement strikes an appropriate balance between the welfare of the child and the rights of the parents.

34. The contention that the order is based on a solitary interaction does not, by itself, render the impugned order perverse, as such interaction constitutes a relevant factor in assessing the child's comfort and

familiarity with the parent. The question as to the extent and manner of visitation, including the modalities thereof, falls within the discretionary domain of the Family Court, which is required to balance the welfare of the child with the need to preserve and foster the parental bond. The impugned order reflects such balancing by preserving the existing custody with the petitioner while enabling regulated access to the respondent, subject to safeguards.

35. In exercise of jurisdiction under Articles 226 and 227 of the Constitution of India, this Court does not sit in appeal over the discretionary orders of the Family Court. Interference is warranted only in cases of patent perversity, jurisdictional error or manifest illegality. The orders impugned herein do not suffer from any such infirmity warranting interference.

36. Accordingly, W.P.No.5878/2026 also fails and is ***dismissed.***

37. In view of the above, this Court proceeds to pass the following:-

ORDER

The W.P. No.5629/2026 and W.P. No.5878/2026 are hereby ***dismissed***.

No order as to costs.

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

BNV