



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 1781 OF 2026 (GW)

BETWEEN:

1. SWAMY N V ALIAS SWAMY NANJUNDAIAH ALIAS
VERABHADRA SWAMY NANJUNDAIAH,
AGED ABOUT 52 YEARS,
S/O. NANJUNDAIAH
R/AT NO. 104, 1ST FLOOR, RENAISSANCE EXOCITA,
JAKKUR PLANTATION ROAD,
JAKKUR, YELAHANKA,
BENGALURU 560 064
PRESENTLY RESIDING AT NO.224,
2G MAIN ROAD, 11TH BLOCK,
NAGARBHAVI,
BENGALURU - 560 072.

...APPELLANT

(BY SRI. SAMPATH.A., ADVOCATE)

AND:

SMT. CHITKALA M,
AGED ABOUT 51 YEARS,
W/O N.V. SWAMY,
R/AT NO.543, 5TH CROSS,
MAHALAKSHMI LAYOUT,
BANGALORE-560086

...RESPONDENT

(BY SRI. AMBIKA.S., ADVOCATE)

THIS MFA IS FILED U/S.47(a) OF GUARDIANS AND
WARDS ACT-1890, AGAINST THE JUDGMENT AND DECREE



DT.13.01.2026 PASSED IN G AND WC NO.249/2018 ON THE FILE OF THE II ADDL. PRL. JUDGE, FAMILY COURT, BENGALURU, PARTLY ALLOWED THE PETITION FILED U/S 7 OF THE GUARDIANS AND WARDS ACT-1890.

THIS APPEAL IS COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M NADAF)

The respondent in G & WC No.249/2018 is before us in this appeal filed under Section 47(A) of the Guardians and Wards Act, 1890¹, assailing the Order dated 13.01.2026 passed by the II Addl. Principal Judge, Family Court, Bengaluru².

2. The Family Court under the impugned order, allowed the application filed by the petitioner - mother granting permanent custody of minor daughter Ms.Swachi Sharika Swamy to the mother with visitation rights and further directions to the respondent - father to pay sum of

¹ 'the G & WC Act', for short

² 'the Family Court', for short



Rs.15,000/- per month to the petitioner towards maintenance of minor daughter from the date of the order till she marries or starts earning whichever is earlier.

3. The parties are referred to as per their ranking before the Family Court.

4. Facts germane to file the present appeal are as under:

4.1 The petitioner and respondent were husband and wife. Their marriage was solemnized on 29.04.2002 at Taralabalu Samudaya Bhavana, Bengaluru. From the wedlock, they were blessed with a female child Ms.Swachi Sharika Swamy, born on 29.09.2009. At present she is aged two months less to 17 years. The petitioner mother filed petition under Section 7, 17 and 25 of the G & WC Act, seeking custody of the child.

4.2 In pursuance to the notice, the respondent father appeared and filed his objections denying the



averments made in the petition. The respondent - father also made a counter claim.

4.3 The Family Court after completion of pleadings, framed four points for consideration, which reads as under:

- (1) *Whether the petition deserves dismissal on the alleged conduct, negligence and adulterous life of the petitioner?*
- (2) *Whether the petitioner is entitled for the relief sought in the petition?*
- (3) *Whether the respondent is entitled for counter-claim as sought for?*
- (4) *What order?*

4.4 The Family Court answered Point No.1 in the Negative, in favor of the petitioner - mother and Point No.2 in the Affirmative, with respect to the relief claimed, Negative in so far as the Counter Claim made by the father and proceeded to pass the order, partly allowing the petition filed by the mother. The operative portion of the order passed by the Family Court reads as under:



"ORDER

The present petition filed by the petitioner under Sections 7, 17 and 25 of the Guardians and Wards Act of 1890 is hereby allowed in part.

*Consequently, the permanent custody of the minor daughter **Miss.Swachi Sharika Swamy** born on 29.09.2009 is given to the petitioner.*

The respondent shall handover the custody of the minor daughter to the petitioner forthwith.

*The respondent shall have **visitation/overnight custody** of the minor daughter on the alternative weekends i.e., from 11:00 A.M. of the alternative Saturdays till 6:00 P.M on the next Sunday.*

*The respondent shall have **interim custody** of the minor child for 50% school vacations whenever it is more than 4 days.*

The respondent shall have communication with the minor daughter over audio/video call on alternative days in between 7:30 P.M. and 8:30 P.M.

Both the parties are at liberty to decide 50% of school vacation convenient to the minor daughter.

The respondent shall pick up and drop the minor daughter from/to the residence of the petitioner during visitation/interim custody/overnight custody.

Both the parties shall co-operative and co-ordinate with each other during the visitation/



interim custody/ over nigh custody/ conversation of the respondent with the minor daughter.

*The respondent shall pay **Rs.15,000/- per month** to the petitioner towards the maintenance of the minor daughter from the date of this order till she marries or starts earning whichever is earlier.*

*Both the parties shall bear **50% of the education expenses** of the minor daughter.*

No order as to costs."

4.5 Aggrieved by the order of granting custody in favor of the mother, so also the amount of maintenance directed, the respondent-father is in appeal.

5. The main ground urged by the father in this appeal is that, the petitioner - mother is living adulterous life and the child is a female child. Hence, the welfare of the female child will be curtailed if she is given to the exclusive custody of the mother.

6. Both the parties were present before the Family Court along with the child. The child is now aged 16 years 10 months. The Family Court having considered the age of the child as well as materials placed on record, answered



the allegation of adulterous life made by the father against the mother in the Negative, so also his counter-claim for custody of the child in the Negative and allowed the petition filed by the mother for custody of the child.

7. As already noted above, the child is now aged nearly 17 years and what the Court witnessed is the child is very much comfortable with the mother. The child is adolescent, matured and knows what is good and bad and her interaction with the mother does not create any doubts in the mind of the Court.

8. The Family Court at paragraph No.69 of its order has clearly stated that it has interacted with the child on 11.11.2025 and found that the child is so matured, she understands the trauma both the parents are undergoing, in particular her father. Though she loves both the parents equally, she much tilts towards her father, but at the same time, she wants to spend time with her mother as well. The Family Court having found these



aspects of the matter, passed the order, which we do not find to interfere with as the same is very well reasoned and well articulated.

9. Though the father has taken a ground in the appeal against the custody of the child, but while arguing he has not made any serious dispute with regard to age of the child and her custody to live with the mother. However, he has much stressed on the maintenance awarded by the Family Court at the rate of Rs.15,000/- per month. We are of the considered opinion that the child is now aged nearly 17 years. Apart from educational expenses for which the parties are directed to bear 50% each, the child needs not less than Rs.15,000/- per month for her maintenance i.e., clothing, feeding and for her personal development being a girl child.

10. We do not find any infirmity in the order passed by the Family Court directing to pay Rs.15,000/- per month to the petitioner towards maintenance of minor



daughter from the date of the order till she marries or starts earning whichever is earlier. In that view of the matter, the appeal requires to be dismissed. Accordingly, the appeal is ***dismissed***.

11. It is also brought on record that, the petitioner and respondent being granted decree of divorce, however there is no order as to permanent alimony and the same is pending before the Court for consideration. We have no say on the same as it is for the concerned Family Court to dwell upon.

12. In view of dismissal of the appeal, pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

TKN
List No.: 1 Sl No.: 23