



NC: 2026:KHC:30534
WP No. 14764 of 2026
C/W WP No. 11390 of 2026
WP No. 11446 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 14764 OF 2026 (GM-FC)

C/W

WRIT PETITION NO. 11390 OF 2026 (GM-FC)

WRIT PETITION NO. 11446 OF 2026 (GM-FC)

IN WP No. 14764/2026

BETWEEN:

DR. BHARATHI. V
W/O. DR. VIVEKANANDA. M,
AGED ABOUT 42 YEARS,
R/AT NO. 374, 10TH MAIN,
1ST D CROSS, SAMPIGE LAYOUT,
VIJAYANAGAR,
BANGALORE - 560 040.

...PETITIONER

(BY SMT. HEGDE VEENA SRIKANT, ADVOCATE)

AND:

DR. VIVEKANANDA M
S/O. MARILINGE GOWDA,
AGED ABOUT 43 YEARS,
R/AT SHARADA 1856,
33RD CROSS ROAD,
BANASHANKARI STAGE-2,
BANGALORE - 560 070.

...RESPONDENT

(BY SRI. T. SURYA NARAYANA, SENIOR COUNSEL FOR
SRI. SANDEEP LAHIRI.,ADVOCATE)

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by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:30534
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THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT TO DISCLOSE COMPLETE DETAILS REGARDING THE PROPOSED MEDICAL PROCEDURE OF THE MINOR SON, INCLUDING DATE, TIME, HOSPITAL, AND TREATING DOCTOR SO THAT THE PETITIONER ALSO CAN VISIT THE HOSPITAL DURING THE OPERATION ETC.

IN WP NO. 11390/2026

BETWEEN:

DR VIVEKANANDA M.
S/O. MARILINGE GOWDA
AGED ABOUT 43 YEARS
R/AT SHARADA 1856,
33RD CROSS ROAD
BANASHANKARI STAGE 2,
BANGALORE - 560 049

...PETITIONER

(BY SRI. SANDEEP LAHIRI.,ADVOCATE)

AND:

DR. BHARATHI V.
W/O. DR. VIVEKANANDA M
AGED ABOUT 42 YEARS
R/AT NO. 374, 10TH MAIN,
1ST D CROSS, SAMPIGE LAYOUT,
VIJAYANAGAR
BANGALORE - 560 040

...RESPONDENT

(BY SRI. HEGDE VEENA SRIKANT.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO I. CALL FOR RECORDS IN G AND WC NO.187/2025 FROM THE FILE OF



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THE HON-BLE VTH ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU. II. SET ASIDE THE ORDER DATED 01.04.2026 PASSED IN G AND WC NO. 187/2025 BY THE LEARNED V ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU WHEREIN THE IA NO.3 FILED BY THE RESPONDENT UNDER SECTION 12 OF GUARDIANS AND WARDS ACT, 1890 R/W SECTION 151 OF CPC HAS BEEN ALLOWED IN PART (ANNEXURE A) AND ETC.

IN WP NO. 11446/2026

BETWEEN:

DR VIVEKANANDA M
S/O. MARILINGE GOWDA
AGED ABOUT 43 YEARS
R/AT SHARADA 1856,
33RD CROSS ROAD
BANASHANKARI STAGE 2,
BANGALORE - 560 040

...PETITIONER

(BY SRI. T. SURYA NARAYANA, SENIOR COUNSEL FOR
SRI. SANDEEP LAHIRI, ADVOCATE)

AND:

DR BHARATHI V.
W/O. DR. VIVEKANANDA M
AGED ABOUT 42 YEARS
R/AT NO. 374, 10TH MAIN,
1ST D CROSS, SAMPIGE LAYOUT,
VIJAYANAGAR
BANGALORE - 560 040

...RESPONDENT

(BY SMT. HEGDE VEENA SRIKANT, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO1. CALL FOR RECORDS IN G AND WC NO.187/2025 FROM THE FILE OF



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THE HON'BLE VTH ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU AND ETC.

THESE PETITION, 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.T.Surya Narayana learned Senior counsel who represents the petitioner in writ petition No.11390/2026 and in writ petition No.11446/2026. Learned Senior counsel also represents the respondent in writ petition No.14764/2026. Also heard Smt. Hegde Veena Srikant learned counsel for respondent in writ petition No.11390/2026 and writ petition No.11446/2026 who is representing the petitioner in writ petition No.14764/2026.

2. Writ Petition No.11390/2026 is filed seeking the following reliefs:-

- i. "Call for records in G & WC No.187/2025 from the file of the Hon'ble V Additional Principal Judge, Family Court, Bengaluru.



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- ii. Set aside the Order dated 01.04.2026 passed in G & WC No.187/2025 by the learned V Additional Principal Judge, Family Court, Bengaluru wherein the IA No.3 filed by the Respondent under Section 12 of Guardians and Wards Act, 1890 r/w Section 151 of CPC has been allowed in part (Annexure-A)
- iii. Dismiss the I.A No.3 filed by the Respondent under Section 12 of Guardians and Wards Act, 1890 R/w Section 151 of CPC (Annexure-B)
- iv. Grant such other relief as this Hon'ble Court deems fit and proper in the facts and circumstances of the case, in the interest of justice and equity".

3. Writ Petition No.11446/2026 is filed seeking the following reliefs.

- i. "Call for records in G &WC No.187/2025 from the file of the Hon'ble V Additional Principal Judge, Family Court, Bengaluru.
- ii. Set aside the order dated 01.04.2026 passed in G&WC No.187/2025 by the learned V Additional Principal Judge, Family Court, Bengaluru wherein the I.A No.6 filed by the petitioner under



Section 12 of Guardians and Wards Act, 1890 r/w Section 151 of CPC has been allowed in part (Annexure-A)

- iii. Allow the IA No.6 filed by the petitioner under Section 12 of Guardians and Wards Act, 1890 r/w Section 151 of CPC and grant interim custody of the minor daughter, Kum. Vismitha Vivekananda, aged about 7 years, to the petitioner (Annexure-B)
- iv. Grant such other relief as this Hon'ble Court deems fit and proper in the facts and circumstances of the case, in the interest of justice and equity".

4. Writ Petition No.14764/2026 is filed seeking the following reliefs

- i. "Issue a writ of mandamus directing the respondent to disclose complete details regarding the proposed medical procedure of the minor son, including date, time, hospital, and treating doctor; so that the petitioner also can visit the Hospital during the Operation.
- ii. Issue a writ of mandamus or any other appropriate direction directing the respondent to hand over custody



of the minor son to the petitioner immediately upon completion of the medical procedure and post-operative recovery;

- iii. Pass such other order or direction as this Hon'ble Court deems fit in the interest of justice and equity"

5. For the sake of convenience of discussion parties to the proceedings will hereinafter be referred to as husband and wife.

6. Thus the common order rendered by the Court of V Additional Principal Judge, Family Court, Bangalore on I.A Nos. III and VI in G&WC No.187/2025 dated 01.04.2026 is assailed by the husband. In her writ petition, wife sought to issue a writ of mandamus directing husband to disclose complete details regarding proposed medical procedure of their son and also a writ of mandamus directing her husband to hand over the custody of the minor son to her soon after completion of such medical procedure.

7. Arguing the matter, learned Senior counsel who represents the husband contended that the marriage between the parties was solemnized on 26.05.2016. Wife had entered



into marital relationship with another person earlier and they got separated by a decree of divorce and later the marriage between the parties was solemnized. They gave birth to two children, a daughter Kumari Vismitha, who was born in the year 2018 and a son Master Shiva, born in the year 2022. Disputes arose between the couple and finally on 28.04.2025 wife left the matrimonial home along with the daughter Kumari Vismitha. Son Shiva remained with the husband. On 05.05.2025 wife gave complaint to police stating that her husband subjected her to cruelty. Thereby a case was registered against the husband. On 09.05.2025 she filed a case invoking the Provisions of Domestic Violence Act and also sought for maintenance. On 12.05.2025 she filed a petition for the permanent custody of the children. On 22.08.2025 she filed a petition seeking decree of divorce.

8. Learned Senior counsel who represents the husband also submitted that the adamant attitude of the wife resulted in several disputes between the couple. The wife completed her medical course and obtained an MBBS degree but she never practised. She acted in few films. On the other hand, husband is a neurologist having good reputation and practice. He fulfilled all the wishes of her wife but she was not satisfied. Husband is



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in a position to impart good education to the children. That apart, his brother, his parents also lives with him and therefore children will have safe and secured atmosphere. On the other hand, wife is staying at the house of her sister. She cannot look after the children well. Therefore, handing over the custody of the children to the wife is improper. But Family Court without taking into consideration the paramount interest of the child, passed the impugned order directing the husband to hand over the custody of the son to the mother while giving visitation rights of the children to 50% of the vacation period. Indeed both the daughter and son are required to be under the custody of father and therefore aggrieved by the orders passed husband filed these two writ petitions i.e., WP No.11390/2026 and WP No.11446/2026.

9. *Per contra* learned counsel who represents the wife contended that the boy is aged around 4 years. A child of that age requires the affection of mother more than that of father. Obliging the directions of the Family Court, mother handed over the custody of the daughter to the father so as to facilitate him to enjoy 50% of the summer vacation with the daughter. But husband by taking false pleas failed to hand over the custody of the son to the wife and therefore wife filed an execution



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petition and the same is pending. Learned counsel also submitted that wife can look after the children well and thus even the custody of the son should be handed over to the mother.

10. In reply to the said submission, learned Senior counsel who represents the husband stated that son Master Shiva is suffering from urinary tract infection and therefore husband being a Doctor is getting his son treated and therefore he could not hand over the custody of the son to the mother.

11. Learned counsel who represents the wife gave reply to that submission stating that even wife is a Doctor and she can look after the child equally well.

12. Gone through the entire material that is brought on record including the pleadings of the parties and the contents of the impugned order.

13. Para 31 of the impugned order reads as under:-

"On 17.11.2025, this Court interacted with the minor children of the parties. On interaction the daughter of the parties introduced herself as "Vismitha Vivekananda" and their son introduced



himself as "Shiva V. Marilingegowda". Daughter said that she wants to go to her Appa's (father's) house during holidays. On the aforesaid date both the parties talked to their children".

14. During the course of submission learned Senior counsel who represents the husband stated that Master Shiva clearly stated to the Presiding Officer of the Family Court that he want to stay with his father only. But the statement of the said child is not recorded by the Family Court. As indicated earlier the Family Court made a mention that daughter informed that she wants to go to her Appa's (father's house) during holidays. But Family Court did not mention what the son said. It may be true as submitted by learned counsel who represents the wife that the son aged around 4 years might not have expressed his wish in clear terms. But even that fact is required to be recorded. Also as per the submission of learned Senior counsel who represents the husband, the child is suffering from urinary tract infection. It is not the case of the husband that the child got admitted at hospital for the said ailment and that he is advised bed rest. Also there is no material on record to show that there is stay of the operation of the impugned order. Therefore husband ought to have handed



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over the custody of the child Shiva to the wife in obedience of the order passed by a competent Court. But he did not do so.

15. Having considered all these facts and circumstances and as this Court does not find any requirement of interference so far as wife having custody of the female child Kumari Vismitha is concerned and as nothing is recorded in the impugned order or elsewhere with regard to the details of the interaction that was done by the Court with the child Shiva, this Court considers desirable to set aside the order rendered on I.A No.III which is filed by the wife for interim custody of her minor son, with a direction to the Family Court to interact with the boy again, record whether the child is in a position to express his opinion and if so the details of the opinion expressed and thereafter to pass a reasoned order.

16. Hence all the three writ petitions are disposed of with the following:-

ORDER

- i. Orders rendered by the Court of V Additional Principal Judge, Family Court, Bangalore on I.A No.III in G&WC No.187/2025 dated 01.04.2026 is set aside.



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- ii. The Court of V Additional Principal Judge, Family Court, Bangalore is directed to fix a date for interaction with the minor child Master Shiva, interact with the child, record about the capability of the child to express his wish with regard to his custody, the preference he gives and thereafter to render orders on I.A III afresh.
- iii. The orders rendered on I.A No.VI are confirmed.
- iv. The writ petitions are accordingly disposed.
- v. In the light of disposal of writ petitions proceedings on pending interlocutory applications, if any are closed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 SI No.: 1