



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.13643 OF 2026 (GM-FC)

BETWEEN:

SRI. WG CDR NIRANJAN ACHARYA,
S/O MARKANDA CHARI G V,
AGED ABOUT 45 YEARS,
R/AT NO.193/194,
CHINMAYI NIVAS,
1ST CROSS, 3RD MAIN ROAD,
R R LAYOUT,
NAGADEVANAHALLI,
BENGALURU - 560 056.

...PETITIONER

(BY SRI. SHIVARAJ N. ARAI.,ADVOCATE)

AND:

SMT. VEENA K ACHARYA,
D/O MADHAVA HOLLA K,
AGED ABOUT 39 YEARS,
R/AT NO.116, USHAS APARTMENTS,
APARTMENT NO.26,
4TH BLOCK, JAYANAGAR,
BENGALURU - 560 011.

...RESPONDENT

(BY SRI. PRATEEK RATH.,ADVOCATE (VAKALATH NOT FILED))

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASHING BY WRIT
OF CERTIORARI ANNEXURE-A, ORDER DT.01-04-2026 PASSED
IN G AND WC NO.165/2025 ON THE FILE OF 1ST ADDITIONAL
FAMILY COURT, BENGALURU ON IA NO.6 SEEKING MODIFYING

Digitally signed
by
VIJAYALAKSHMI
B N



Location: HIGH
COURT OF
KARNATAKA



ORDER DT. 25-03-2026 PASSED ON IA NO.4, IN THE INTERESTS OF JUSTICE 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

This writ petition is filed by the petitioner – father against the order dated 01.04.2026 passed on I.A.No.6 in G & WC No.165/2025 by the I Additional Family Court, Bengaluru ('the Family Court' for short), whereby, the application filed by the petitioner under Section 151 of the CPC, seeking interim custody of the minor child, came to be allowed.

2. The brief facts of the case are that:-

The petitioner and the respondent are the parents of a minor child, Master Surya. Their matrimonial dispute led to proceedings in G & WC No.252/2021, wherein, by way of a compromise before the Lok Adalat on 18.08.2023, both parties agreed to share custody of the minor child



during school vacations, with the petitioner–father being entitled to custody for half of the vacation period. Subsequently, alleging change in circumstances affecting the welfare of the minor child and non-compliance with the terms of the compromise by the respondent–mother, the petitioner instituted G & WC No.165/2025 seeking permanent custody of the child, which is presently pending before the Family Court, Bengaluru. During the pendency of the said proceedings, the petitioner filed I.A.No.4 on 16.03.2026 seeking interim custody of the minor child for the first half of the summer vacation, i.e., for 34 days from 25.03.2026 to 27.04.2026. The Family Court, by order dated 25.03.2026, allowed the application and granted custody of the child to the petitioner from 26.03.2026 to 27.04.2026, directing him to pick up the child from the respondent’s apartment complex.

3. According to the petitioner, despite the said order being pronounced in open court, the respondent failed to comply with the same on 26.03.2026 and refused to hand



over custody on the ground that a certified copy of the order was not furnished. It is further alleged that the respondent prevented the petitioner from entering the apartment premises and thereby, frustrated the implementation of the court's order. In view of the said non-compliance, the petitioner filed I.A.No.6 on 26.03.2026 seeking advancement of the matter and further directions to enforce the order passed on I.A.No.4, including grant of custody during the vacation period and directions to the respondent to co-operate.

4. The respondent filed objections contending that there was no deliberate disobedience of the court's order and that she was willing to hand over the child, provided the petitioner came to her residence. Thereafter, by order dated 01.04.2026, the Family Court observed that there might have been a communication gap between the parties and modified the earlier order passed on I.A.No.4. The Court permitted the petitioner to pick up the child



from the respondent's apartment on 02.04.2026 at 09:00 a.m. and granted custody till 29.04.2026 at 07:00 p.m.

5. Pursuant to the modified order, the petitioner received custody of the child on 02.04.2026. However, it is the grievance of the petitioner that due to the respondent's conduct, he was deprived of a portion of the custody period initially granted and thereby, lost valuable time with his minor son. It is further contended that the respondent acted in willful disobedience of the court's order and interfered with his lawful custody rights. Aggrieved by the same, the petitioner is before this Court.

6. The petitioner – father/respondent – mother herein is the petitioner/respondent before the Family Court.

7. Heard learned counsel appearing for the both the parties and perused the material on record.



8. Learned counsel for the petitioner vehemently submitted that I.A.No.4 was allowed on 25.03.2026, which reads as under:-

"IA No.IV filed by the petitioner under Section 151 of Code of Civil Procedure is hereby allowed.

Petitioner is granted custody of the minor child Master Surya during first half of summer vacations from 26/3/2026 till 27/4/2026. Petitioner shall pick up the minor child from the main gate of the respondent's apartment complex on 26/3/2026 at 9 a.m. and drop the minor child at the main gate respondent's of apartment complex on 27/4/2026 at 7 p.m.

Respondent is permitted to make video call and communicate with the minor child Master Surya everyday between 8.30 p.m. to 9 p.m. or till the child is comfortable on above said dates.

Respondent shall facilitate smooth functioning of visitation rights granted to petitioner.

Petitioner shall facilitate video call facility granted to respondent during above said period."

9. In the meantime, I.A.No.6 was filed by the petitioner and the Family Court has passed the following order:-

"Petitioner present

Respondent absent.

Both counsels are present.

Affidavit by respondent towards IA No.6 is filed and memo filed by the respondent.



Respondent counsel submits Respondent was always ready to comply order dt. 25.03.2026 even today.

Petitioner counsel submits ready to take the minor child if the child is produced by the respondent before the court

Heard both counsels and perused the case records.

On 25.03.2026 IA No.4 was allowed for the petitioner by picking up the minor child from 26.03.2026 at 9.00 am near the main gate of respondent's apartment till 27.04.2026 at 7.00 pm. in the meantime IA No.6 was filed by the Petitioner stating that the minor child was not given in custody by the respondent on 26.03.2026 at 9.00 pm.

Since, IA No.4 was allowed and it was on 25.03.2026 after 3.00 pm, there pronounced might have been communication gap between the parties and counsels. The purpose of IA No.4 was to spent quality time by the Petitioner with the minor child. Since the respondent is ready to comply the order, the Petitioner is permitted and directed to pick up the minor child from the Main Gate of the respondent's Apartment Complex on 02.04.2026 at 9.00 am and the Petitioner while exercising his interim custody of the minor child as per IA No.4 shall not make any adverse remarks against the respondent to the child. The respondent shall also facilitate the interim custody of the minor child granted to the petitioner as ordered in IA No.4.

Respondent is ready to handover the custody of the minor child till 29.04.2026. Hence, the order dt. 25.03.2026 on IA No.4 is modified and Petitioner is granted custody of the minor child from 02.04.2026 at 9.00 am by picking up the child from the main gate of the respondent's apartment complex and can exercise the interim custody of the minor child till 29.04.2026 at 7.00 pm by dropping the minor child at the main gate of respondent's apartment and all other conditions as passed in IA No.4 shall be abided by both the parties.

Objection to IA No. 5 by Petitioner by 05.06.2026."



10. As per the submissions made by the learned counsel for the petitioner, though the Family Court has modified the order passed on I.A.No.4 in I.A.No.6, he is still loosing four or five days with regard to custody of the child during the vacation period.

11. Upon perusal of the material on record, it is evident that the Family Court has considered the issue with regard to handing over the custody of the minor child on two occasions and has observed that the delay in handing over the custody of the minor child was on account of a communication gap between the parties. In such circumstances, the said finding of fact does not warrant interference by this Court in exercise of its writ jurisdiction.

12. Hence, on hearing the submissions made by the learned counsel appearing for the parties, if at all, petitioner – father is loosing the custody of the minor child during the vacation for a period of four or five days, he is directed to file an application before the Family Court for



compensating the same. After completion of the custody period as mentioned in I.A.No.6, on filing such application for compensating the custody of the minor child during the vacation period, the Family Court shall consider the same and also the Child Access & Custody Guidelines Parenting Plan, 2025 by the Hon'ble High Court of Calcutta which is adopted by the Division Bench of this Court and all other Courts and pass appropriate order in accordance with law.

13. Learned counsel for the respondent also appeared and submitted that she is ready to comply the order of the Family Court.

14. In view of the above observations, the writ petition is ***disposed of***.

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

MH/-
List No.: 1 Sl No.: 52