



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

MISCELLANEOUS FIRST APPEAL NO. 3243 OF 2026 (GW)

BETWEEN:

1. ABHILASH C S
S/O C N SIDDANAGOUDER,
AGED ABOUT 37 YEARS,
R/AT NO.201,
DAIVIK PRASAD APARTMENT,
MOOKAMBIKANAGAR,
MAILSANDRA,
R.V. VIDYANIKETAN POST,
BANGALORE-560059.

...APPELLANT

(BY SRI SAMPANGI RAMAIAH, ADVOCATE)

AND:

1. SUPRIYA S
W/O SRI ABHILASH C S,
AGED ABOUT 36 YEARS,
R/AT NO.123, 21ST CROSS,
1ST MAIN, A BLOCK,
VIJAYANAGARA 3RD STAGE,
MYSORE-570017.

...RESPONDENT

(BY SRI NATARAJ BABA K, ADVOCATE)



THIS MFA IS FILED U/S 47(c) OF THE GUARDIANS AND WARDS ACT, 1890 AGAINST THE JUDGMENT AND DECREE DATED 06.04.2026 PASSED ON I.A.NO.5/2026, G AND WC NO.72/2024 ON THE FILE OF THE III ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, MYSURU, DISMISSING I.A.NO.5/2026 FILED UNDER SECTION 25 OF THE GUARDIANS AND WARDS ACT.

THIS APPEAL, COMING ON FOR ADMISSION, 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 D K SINGH)

1. The present appeal has been filed impugning the order dated 06.04.2026 passed by the learned III Additional Principal Family Judge, Mysuru in G & WC No.72/2024, whereby the petitioner/appellant's application under Section 25 of the Guardians and Wards Act, 1890 (hereinafter referred to as 'the G & WC Act') seeking custody of his minor son Master Vihan A.S. aged about 6 1/2 years at present studying in 1st standard in Excel Public School, Mysuru and living with the mother and maternal grandparents has been dismissed, however, the appellant has been granted visitation rights. The visitation rights, as given by the Family Court, are extracted hereunder:



"1. The petitioner is granted with visitation of the minor ward Master Vihaan A.S. on every Saturday of the month from 11.00 a.m., to 4.00 p.m.

2. To enable the petitioner to meet the minor ward, the respondent shall ensure ward's presence in any neutral place as may be agreed upon between petitioner and respondent at 11.00 a.m., on the days so fixed. The petitioner will be entitled to take the minor ward out with him for the day and to bring the ward back to the said neutral place agreed upon within 4.00 p.m., in the afternoon.

3. In case, the petitioner and respondent are not at consensus regarding the neutral place, the visitation of the child has to be exercised within Court premises in the above terms.

4. The petitioner is entitled to contact his minor son by making video call or voice call on everyday for 10 minutes between 8.00 p.m., to 9.00 p.m., except the days on which he is exercising visitation rights."

2. The learned counsel for the appellant submits that the appellant works in Bengaluru, his parents are in Bengaluru and Bengaluru is a better place than Mysuru with better educational facilities. He further submits that the respondent-wife, who is stationed in Mysuru, comes to Bengaluru for 4 days in a week for work and therefore, she can always meet the child in



Bengaluru. His submission is that the interest of the child is more secure in Bengaluru than Mysuru.

3. We have considered the submissions. The child is only 6 1/2 years old. The respondent-wife lives in Mysuru with her parents. The child is studying in Excel Public School in Mysuru. We fail to understand on what parameters the learned counsel for the appellant asserts that Bengaluru is a better place to live-in than Mysuru. What is important to consider while the Court has to decide the custody of the minor child under the provisions of the G & WC Act is the paramount interest of the child. Plucking the child away from the mother at this tender age cannot be in the paramount interest of the child. The child is comfortably living with the mother and maternal grandparents in Mysuru. The traffic problem as in Bengaluru is not so much there in Mysuru. In all parameters, Mysuru cannot be said to be a bad place to bring up the child of tender age. We find no reason to interfere with the impugned order passed by the Family Court and therefore, we dismiss this appeal.



In view of dismissal of the appeal, pending IAs, if any, do not survive for consideration and accordingly, they stand disposed of.

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

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

BKV
CT:SN
List No.: 1 Sl No.: 25