



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 14848 OF 2026 (GM-FC)

BETWEEN:

1. MR RAKESH CHRISTOPHER
PREVIOUSLY KNOWN AS RAKESH RAJAN D
AGED ABOUT 38 YEARS
S/O LATE N. DASS
AS PER VOTER ID RESIDING AT,
"OM" NO.121, 2B FLOOR,
3RD A CROSS, EAST OF NGEF
KASTURINAGAR, BANASWADI
BENGALURU NORTH - 560043
AS PER GAS BILL PRESENTLY
RESIDING AT "SKS INFINITY"
NO.122, 4TH FLOOR,
3RD A CROSS, EAST OF NGEF
KASTURINAGAR, BANASWADI,
BANGALURU NORTH 560043

...PETITIONER

(BY SRI. MANUSHANKAR.R.,
SMT. BHAGYA LAKSHMI.P., ADVOCATE)



AND:

1. MRS. KATHERINE CARL
PREVIOUSLY KNOWN AS
AMIDHA PRINCY FLORIDA
AND ADITHA KUMARI
AGED ABOUT 31 YEARS
D/IO MR.SUDHIR KUMAR
RESIDING AT, NO 341,
2ND CROSS, 5TH MAIN
NGEF LAYOUT, SADANANDA NAGAR
BANGALORE - 560 038

...RESPONDENT

(BY SRI. MOH KAMRAN KHAN., ADVOCATE FOR
CAVEAT/RESPONDENT)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI AND / OR ANY OTHER APPROPRIATE WRIT
MODIFYING THE ORDER ON I.A. NO. VIII DTD. 25.04.2026
PASSED IN G AND WC NO. 260/2025 BY THE LEARNED FAMILY
COURT, BENGALURU AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition is directed against the impugned order dated 25.04.2026 passed in G & WC 260/2025 by the I Additional Principal Judge Family Court, Bengaluru, whereby the application-I.A.No.VIII filed by the respondent under Section 12 read with Section 25 of the Guardians and Wards Act, 1890 was partly allowed by the Family Court.

2. Heard learned counsel for the petitioner and learned counsel for the respondent and perused the material on record.

3. A perusal of the material on record will indicate that the petitioner and the respondent are divorced parents of the minor child Kenneth Carl, aged about 6 years, who is presently in the primary custody of the petitioner-father, who instituted the aforesaid proceedings before the Family Court. In the said proceedings, the respondent-mother filed the instant application-I.A.No.VIII, which was allowed by the Family Court vide impugned order as hereunder:



"ORDERS ON I.A.VIII

I.A.No.VIII is filed by the respondent under Section 12 read with Section 25 of Guardians and Wards Act, seeking interim visitation rights in respect of the minor child Kenneth Carl, aged about 6 years. Objection is filed to the said application.

2. In the application the respondent contend that, initially custody of the minor child was with the respondent. However, the petitioner while exercising his visitation rights forcibly retained the custody of the minor child and failed to handover custody to the respondent. The petitioner has refused to allow the respondent to communicate with the minor child. Hence, prays for visitation rights on every weekends and to have custody of the minor child for a period of 15 days in the coming summer vacation and prays for necessary orders.

3. In the objection apart from usual denial of the averments mentioned in the application the petitioner contend that, it was the respondent who has handed over the child to the petitioner. The respondent is residing in live-in relationship in a shared accommodation. If the custody of the child is given to the respondent it will be against the welfare and well-being of the minor child. Further contend, if the visitation rights is granted it has to be under supervision environment conducted in neutral or public place and prays for passing necessary orders.

4. The following points arise for my determination :-

1. Whether the respondent is entitled for the visitation rights as sought for?



2. What order?

5. *Heard the counsels.*

6. *My findings on the above points are as hereunder:*

*Point No.1: Partly in the affirmative,
Point No.2: As per final order
for the following*

REASONS

9. **Point No.1:** *The counsel for the respondent submitted that, weekend visitation rights has to be granted to the respondent in order to spend quality time with the minor child during summer vacation.*

10. *The counsel for the petitioner submitted, visitation rights can be granted under supervision of petitioner or in Visitation hall, Family Court, Bengaluru.*

11. *Heard the counsels and perused the case record.*

12. *The present petition is filed by the petitioner seeking to appoint and declare the petitioner as the sole and permanent guardian and custodian of the minor child Master R. Kenneth Christopher previously Kenneth Knowles, restraining the respondent, his agents and others from forcefully depriving the custody of minor child from the petitioner and his family members.*



13. In the present application, the respondent has sought for weekend visitation rights and custody of the minor child for a period of 15 days.

14. Whether the minor child was forcibly taken by the petitioner or given by the respondent to the petitioner is a matter that has to be determined during the course of trial. The minor child was conciliated in the chamber on 17/4/2026. The child who was studying in 2nd standard after seeing the mother was happy to see her and was happily talking with the respondent in the chamber. The conduct of the minor child with the respondent shows that, the minor child has good bondage with the respondent. Hence, the respondent being non-custodial parent before this Court, this Court views that, the respondent can be granted visitation rights on every weekends and she can pick up the minor child Kenneth Carl from petitioner's house on Saturday morning by 10 a.m. and spend quality time on Saturday and Sunday and drop back the child at petitioner's house by 7 p.m. on Sunday. When the respondent has custody of the minor son she shall ensure that it shall not affect his educational activities and also she take care of the welfare and well-being of the minor child. Further, respondent is permitted to communicate with the minor child on Monday, Wednesday and Friday between 7 p.m. to 8 p.m. for maximum of half an hour or till the child is comfortable.

15. So far as 15 days relief of permitting the respondent to have custody of the minor child is concerned, this Court views that, by considering the good bondage between the minor child and the



respondent, the respondent is permitted to take the minor child for a summer vacation from 4/5/2026 till 17/5/2026 and she shall receive the minor child from the petitioner's house at 10 a.m. on 4/5/2026 and drop the child back to the petitioner's house by 11 a.m. on 17/5/2026. During custody of minor child with the respondent between 4/5/2026 to 17/5/2026, the respondent shall ensure that the petitioner is given opportunity to communicate everyday with minor child through video call between 7 pm and 8 pm for a maximum of half an hour or till child is comfortable. Further, she shall take care of the welfare and well-being of the minor child when she is exercising the visitation rights. With this observation, I answer Point No.1 partly in the affirmative.

16. POINT NO.2: *Based on the findings on Point No.1, I proceed to pass the following;*

ORDER

I.A.No.VIII is filed by the respondent under Section 12 read with Section 25 of Guardians and Wards Act, is hereby partly allowed.

Respondent is granted visitation rights on every weekends and she can pick up the minor child Kenneth Carl from petitioner's house on Saturday morning by 10 a.m. and spend quality time on Saturday and Sunday and drop back the child at petitioner's house by 7 p.m. on Sunday.

Further, when the respondent has custody of the minor son she shall ensure that it shall not affect his educational activities and also she take care of the welfare and well-being of the minor child.



Further, is respondent permitted to communicate with the minor child on Monday, Wednesday and Friday between 7 p.m. to 8 p.m. for maximum of half an hour or till the child is comfortable.

The respondent is permitted to take the minor child for a summer vacation from 4/5/2026 till 17/5/2026 and she shall receive the minor child from the petitioner's house at 10 a.m. on 4/5/2026 and drop the child back to the petitioner's house by 11 a.m. on 17/5/2026. Further, she shall take care of the welfare and well-being of the minor child when she is exercising the visitation rights.

During custody of minor child with the respondent between 4/5/2026 to 17/5/2026, petitioner shall be permitted to communicate everyday with minor child through video call between 7 pm and 8 pm for a maximum of half an hour or till child is comfortable.

Petitioner shall facilitate for smooth functioning of visitation rights granted to the respondent."

4. Aggrieved by the aforesaid impugned order passed by the Family Court, the petitioner-father is before this Court by way of the present petition.

5. Learned counsel for the petitioner submits that taking advantage of the impugned order granting limited visitation and custody rights in her favour, the



respondent-mother, who is residing with strangers, is likely to cause harm and affect the welfare and development of the child and as such, the impugned order deserves to be set aside.

6. *Per contra*, learned counsel for the respondent-mother, on instruction, submits that the respondent would strictly comply with and adhere to the various terms and conditions imposed by the Family Court and ensure that the respondent would not do anything that would cause any harm, inconvenience or hardship to the minor child and take all necessary precautions in this regard and an undertaking in this regard would be filed within a period of two weeks from today.

7. By way of reply, learned counsel for the petitioner submits that subsequent to the impugned order, the petitioner has filed an application before the Family Court seeking modification, which currently stands posted before the Family Court on 11.06.2026 and the said application may be disposed of within a stipulated time frame.

8. In view of the aforesaid facts and circumstances, I deem it just and appropriate to dispose of this petition without



interfering with the impugned order, but by issuing certain directions.

9. In the result, the following:

ORDER

- i) Petition is hereby ***disposed of*** without interfering with the impugned order.
- ii) The respondent-mother, who is the beneficiary of the impugned order, is hereby directed to take all necessary steps to ensure the welfare and well being of the child and ensure that the child is not put to any hardship, inconvenience from herself or anyone else during the period of vacation.
- iii) The respondent is directed to file an affidavit of undertaking in this regard within a period of two weeks from today.
- iv) The Family Court is directed to dispose of the application for modification filed by the petitioner in accordance with law within a period of two weeks from 11.06.2026.
- v) Immediately after disposal of the application for modification filed by the petitioner, the Family Court shall endeavour to dispose of the



main proceedings as expeditiously as possible and within a period of six months thereafter.

- vi) All rival contentions on all aspects of the matter are kept open and no opinion is expressed on the merit/de-merits of the rival contentions.

Subject to the aforesaid directions, the petition stands ***disposed of.***

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**