



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 14973 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. ARUN N., ADVOCATE FOR
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. SATYEN BAJAJ, ADVOCATE (ABSENT))

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



QUASHING BY WRIT OF CERTIORARI ANNEXURE-A ORDER DATED 29/04/2026 PASSED IN G AND WC.NO.165/2025 BY THE 1ST ADDITIONAL FAMILY COURT, BENGALURU ON I.A. NO.7 SEEKING MODIFICATION OF THE ORDER PASSED ON I.A. NO. 06 DATED 01.04.2026.

THIS PETITION, COMING ON FOR PART HEARD, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Sri.Shivaraj N Arali learned counsel for the petitioner was heard on 16.06.2026. There was no representation on respondent's side on that day. To give fair opportunity to the respondent to make her submission on the merits of the matter, the case was adjourned. However, even on this day there is no representation on respondent's side on call.

2. Seeking the Court to issue a writ of certiorari and to quash the order that is rendered by the Court of I Additional Principal Judge, Family Court, Bengaluru on I.A.No.VII in G&WC.No. 165/2025 dated 29.04.2026 and



consequently, to allow said interlocutory application, this writ petition is filed. Also a relief to direct the respondent to arrange a video call of the minor child daily with petitioner without any excuse between 08.00 p.m. and 08.30 p.m. is sought for.

3. The flow of events as submitted by learned counsel for the appellant are that a consent decree was passed that both parties i.e., petitioner herein and respondent have to share the custody of the child by name Master Surya Acharya (hereinafter be referred to as the child) equally during the vacation. Petitioner filed I.A.No.IV in G&WC No.165/2025 in respect of the custody of the child. Family Court directed petitioner to pick up the child from the main gate of respondent's apartment on 26.03.2026 at 09.00 a.m. and drop the child at the same place on 27.04.2026 at 07.00 p.m. Respondent/mother failed to give the custody of the child and therefore, petitioner filed I.A.No.VI. On hearing both sides, the Family Court modified the order rendered on I.A.No.IV and



granted custody of the child from 09.00 a.m. of 02.04.2026 to 07.00 p.m. of 29.04.2026. By that arrangement petitioner lost six days of custody during summer vacation. As he lost six days of custody of the child, petitioner filed W.P.No.13643/2026. This Court disposed of that writ petition with an observation that in case an application is filed for compensating the custody of the minor child during vacation period, Family Court shall consider the same and pass appropriate orders. On that petitioner filed I.A.No.VII seeking the Court to clarify and grant further six days custody of the child. But said application came to be dismissed.

4. Learned counsel for the petitioner states that due to the attitude of respondent, petitioner lost six days of the custody of the child and therefore, the same should be compensated. Learned counsel further submits that Family Court disobeyed the orders rendered in W.P.No.13643/2026.



5. There is every obligation on part of respondent to abide by the settlement arrived at regarding the custody of the child during vacation. Record makes it clear that the custody was not handed over as agreed upon and that necessitated petitioner to file an application and thereafter, the litigation went on between the parties. The orders rendered on I.A.No.IV was not challenged by the respondent. There is no denial of the fact that the duration of summer vacation of the child is for 68 days commencing from 25.03.2026 to 31.05.2026. Petitioner got custody of the child from 02.04.2026 to 29.04.2026 i.e., for a period of 28 days. No reasonable ground was accorded by the respondent as to why she failed to hand over the child immediately on commencement of the vacation. Perceiving this fact, this Court, through orders in W.P.No.13643/2026, gave a direction to the Family Court to consider the application if any filed for compensating the custody of the minor child and pass orders in



accordance with law. In the impugned order, Family Court observed as under:

"The Petitioner has also approached the Hon'ble High Court of Karnataka in WP No.13643/2026 challenging the order of this court passed on 01.04.2026.

If at all the Petitioner wanted to spend 50% of the vacation with the minor child then he should have filed the application at the time of filing of the petition. Since, the modified order was passed based on the consent of the Petitioner and the Respondent counsel, no grounds made out to allow IA NO.7. Hence, with this observation I proceed to pass the following;"

6. Observation that 'if at all the petitioner wanted to spend 50% of the vacation with the minor child, then he should have filed application at the time of filing of the petition' is unwarranted in the light of the fact that the petitioner has knocked the doors of this Court and this Court directed the Family Court to consider such application, if any filed. Therefore, dismissal of I.A.No.VII only on the ground that petitioner should have filed application at the time of filing of petition is against the order rendered by this Court in W.P.13643/2026. No doubt



Family Court is at liberty to dispose of the application on merits as there is no positive direction by this Court in the order rendered in W.P.No.13643/2026 to compensate the period. But after approaching the High Court when the High Court has directed the Family Court to entertain the application filed for compensating the period, such approach and observation that petitioner should have filed application at the time of filing of the petition is undesirable. Therefore, this Court is of the view that the impugned order is required to be quashed.

7. In the light of the fact that the summer vacation of the child came to an end by 31.05.2026, no positive direction can be issued. However, there is every requirement to compensate. Hence, the writ petition is disposed of with the following:

ORDER

- (i) The order that is rendered by the Court of I Additional Principal Judge, Family Court, Bengaluru on I.A.No.VII is quashed.



- (ii) The period of six days custody which the petitioner could not get during the summer vacation of 2026 shall be compensated in the summer vacation of 2027. To make the things more clear, it is ordered that petitioner shall get custody of the child for six more days during the summer vacation 2027.
- (iii) On an application filed by either parties before the commencement of summer vacation 2027, Family Court to fix the dates of custody, duly noting that in the apportionment made, petitioner/father shall get six more days.

The writ petition is accordingly disposed of.

In the light of the disposal of writ petition, the proceedings in I.A.No.1/2026 are closed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE