



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.15249 OF 2026 (GM-FC)

C/W

WRIT PETITION NO.31312 OF 2024 (GM-FC)

IN WP No. 15249/2026:

BETWEEN:

SRI. ASHISH SRIVASTAVA
S/O. ANAND BEHARI SRIVASTAVA
AGED ABOUT 40 YEARS,
R/AT E-606, PURVA SEASONS APARTMENT,
KAGADASPURA ROAD,
CV RAMAN NAGAR,
BENGALURU - 560093.

Digitally signed
by AASEEFA
PARVEEN

...PETITIONER

Location: HIGH (BY SRI. M.T. NANAIHAH, SENIOR COUNSEL FOR

COURT OF
KARNATAKA

SRI. TUMBIGI PRABHUGOUDA BASAVANTARAYAGOUNDA,
ADVOCATE)

AND:

SMT PRAGYA SRIVASTAVA
AGED ABOUT 38 YEARS
W/O MR. ASHISH SRIVASTAVA
R/AT 111, APOORVA LAKESIDE



APARTMENTS,
TATA SHERWOOD ROAD,
VIBHUTIPURA EXTENSION,
BASAVANAGARA,
BENGALURU-560037.

...RESPONDENT

(BY SMT. MRUDULA V., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER ISSUE A WRIT OF CERTIORARI - QUASHING THE ENTIRE ORDER DATED 30.04.2026 (ANNEXURE-F) PASSED BY HONBLE II ADDL. FAMILY COURT, BENGALURU IN IA NOS., 27 (ANNEXURE-B), 28(ANNEXURE-C) AND ETC.

IN WP NO. 31312/2024

BETWEEN:

SRI.ASHISH SRIVASTAVA
S/O ANAND BEHARI SRIVASTAVA,
AGED ABOUT 40 YEARS,
R/AT E-606,
PURVA SEASONS APARTMENT,
KAGADASPURA ROAD,
C V RAMAN NAGAR,
BENGALURU - 560093.

...PETITIONER

(BY SMT. AKSHATA SHARMA, ADVOCATE)

AND:

SMT.PRAGYA SRIVASTAVA,
AGED ABOUT 38 YEARS,



NC: 2026:KHC:27521
WP No. 15249 of 2026
C/W WP No. 31312 of 2024

W/O MR ASHISH SRIVASTAVA,
R/AT NO. 111,
APOORVA LAKESIDE APARTMENTS,
TATA SHERWOOD ROAD,
VIBHUTIPURA EXTENSION,
BASAVANAGARA,
BENGALURU - 560037.

...RESPONDENT

(BY SMT. MRUDULA V., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 21/09/2024 PASSED ON IA NO. 2 BY THE HONBLE II ADDL. FAMILY COURT, BENGALURU IN G AND WC NO. 258/2024.

THESE PETITIONS ARE COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL COMMON ORDER

Heard Sri.M.T.Nanaiah learned senior counsel who represents the petitioner in both the matters as well as Ms.Mrudula.V who represents the respondent in both the writ petitions.



2. W.P.No.31312/2024 is filed seeking the following relief:

"WHEREFORE, the Petitioner above named pray that this Hon'ble Court be pleased to set aside the Order dated 21.09.2024 passed on IA. No. 2 by the Hon'ble II Additional Family Court, Bengaluru in G & WC No.258/2024, and grant the relief of as prayed in the application (IA No. 2), in the interest of justice."

3. I.A.No.II is an application filed by the father seeking interim full custody of his minor son Prakhar Srivastava. I.A.No.II was disposed of by the Court of II Additional Principal Judge, Family Court, Bengaluru on 21.09.2024. The operative portion of the order is as under:

"IA No.II is allowed in part.

The petitioner is entitled to have visitation rights on 1st and 3rd Saturday of every month from 2:30 P.M. to 5:30 P.M. in Children Visitation Room, Family Court, Bengaluru.

The respondent is directed to co-operate and facilitate the petitioner to exercise the above rights.

The petitioner is directed to take all safety measures with regard to the child during his visitation rights.



Both the parties are directed to maintain harmony and behave like responsible parents at the time of exercising of visitation rights by the petitioner."

4. W.P.No.15249/2026 is filed seeking following reliefs:

"Issue a Writ of Certiorari: Quashing the order dated 30.04.2026 (Annexure-F) Passed by the Hon'ble II Addl Family Court Bengaluru in IA Nos. 27 (Annexure-B), 28 (Annexure-C).

2) Issue a Writ of Mandamus Directing Proper Child Interaction Due to the child's training and tournament schedule, appropriate directions may kindly be issued to the Respondent for the immediate production of the child before this Hon'ble court. And direct to take In-camera interaction with the child Appointment of child welfare expert/psychologist, Appoint Neutral Hindi interpreter.

3) The Petitioner further prays that this Hon'ble Court may be pleased to declare the coercive police action undertaken pursuant to the impugned order, including forcible entry into the Petitioner's residence, use of force and intimidation in the presence of the minor child and senior citizens, as illegal, arbitrary, disproportionate and violate of Articles 19 and 21 of the Constitution of India; and consequently direct restoration of the minor child to his ordinary residence/natural habitat within the jurisdiction of this Hon'ble Court so as to ensure continuity of his education, emotional stability, structured tennis training, tournament participation and overall welfare."



5. For modification and stay of the operation of the order dated 06.04.2026, I.A.Nos.27 and 28 were filed. Those two interlocutory applications were rejected. The order dated 06.04.2026 is on two interlocutory applications i.e., I.A.Nos.25 and 26. Those two interlocutory applications i.e., I.A.No.25 and I.A.No.26 were connected to I.A.Nos.20 to 22. The Court of II Additional Principal Judge, Family Court, Bengaluru disposed of those interlocutory applications on 06.04.2026 with the following order:

"The learned counsel for the Petitioner filed application under Section 151 of CPC read with Section 12 of G&W Act, 1890 along with the documents noted in the index and memo along with the online printout of the decisions therein. He also filed application under Section 151 of CPC read with Section 12 of G&W Act, 1890. They are IA.Nos.25 and 26.

The learned counsel for the respondent submitted her oral objections to IA.Nos.25 and 26.

Heard both the sides on IA.Nos.25 and 26 and also heard the submission of the parties in person.

IA.No.26 is allowed, which is filed seeking in-camera interaction with the minor kid.

The minor kid is interacted in-Camera.



Allowing IA.No.25 in part, the order dated 02.04.2026 is modified as under.

IA.No.20 filed by the respondent under Section 151 of CPC is hereby allowed in part. Consequently, the respondent/mother is permitted to take the Minor Son Prakhar Shrivatsav to travel out of jurisdiction of this court from 01.05.2026 to 15.05.2026 to spend vacation with the minor child.

IA.No.21 filed by the petitioner under Section 12 of G&W Act 1890, read with Section 151 of CPC, is hereby allowed in part.

Consequently, the interim custody of the minor son Prakhar Shrivatsav, the custody is given to petitioner/father from 07.04.2026 to 30.04.2026.

IA.No.22 filed by the petitioner under Section 151 of CPC is hereby allowed in part. Consequently, petitioner/father is permitted to travel with minor son Prakhar Shrivatsav outside jurisdiction of this court from 11.04.2026 to 19.04.2026 to spend vacation with the minor child.

The petitioner/father shall hand over the child to the respondent/mother at the convenient place to each other before 2.45 p.m. Otherwise, he shall bring the child to the court at 2.45 p.m. call on 30.04.2026."

6. On this day, learned Senior Counsel, who represents the petitioner in both the writ petitions, submits that W.P.No.15249/2026 has become infructuous.



7. So far as the relief sought for in W.P.No.31312/2024 is concerned, petitioner/father seeks for interim full custody of the child. Through the impugned order i.e., order on I.A.No.II, visitation rights were granted on 1st and 3rd Saturday of every month from 02.30 p.m. to 05.30 p.m. in Children's Visitation Room, Family Court, Bengaluru.

8. This Court through order dated 17.07.2025, directed evaluation of father, mother and the child by NIMHANS. On evaluation a report is submitted by the Medical Superintendent NIMHANS. The contents of the report are gone through. The final impressions and recommendations of NIMHANS which were given in the best interest of the child are as under:

"1.Separation of parents, exposure to parental discord, and a tense family environment, especially in the formative years, are risk factors for developing mental health concerns. Though child Prakhar does not have mental health concerns at present, the cumulative effect of severe parental discord and adversarial



interactions is likely to elevate the risk and can negatively impact his developing self. Child Prakhar is at elevated risk for developing emotional and behavioural concerns in the future, and will benefit from psychological support as and when required.

2. Both parents, Mr. Ashish and Ms. Pragya, are well-functioning adults in their individual roles, but have significant interpersonal problems as a couple. This interferes with their effective functioning as a parental dyad, which is largely influenced by their individual personality traits and significant marital discord.
3. In the context of chronic marital discord and separation, children's perception and perspective of each parent tend to be influenced/affected by their environment. The parents have significant contempt towards each other and have complete discrepant versions of alleged events and expectations for themselves, their relationship, and the child.
4. Father's tendency to be persuasive and exert his rights as a parent seems to be potentially intrusive and can be intimidating for the child, particularly when the child's wishes and his pace of engagement are not taken into account.



Mother's tendency to avoid complex and emotionally charged situations is likely to impact problem solving, particularly in the interpersonal context of marital and parental roles.

5. Parents need significant psychological support to ensure that they can work on their interpersonal issues in an amicable manner and arrive at a coparenting plan in the best interest of the child."

9. Parties to the litigation are fighting among themselves projecting that they will serve the child in the best possible way and better than the other party. However, they lost sight that the child is suffering due to their attitude, quarrels and disputes. Number of interlocutory applications were filed by both parties after passing of orders on I.A.No.II.

10. Having gone through the contents of those orders, this Court is of the view that there are no grounds that exist as of now to set aside or to modify the orders that are rendered on I.A.No.II. Therefore, this Court is of



NC: 2026:KHC:27521
WP No. 15249 of 2026
C/W WP No. 31312 of 2024

the view that there are no merits in W.P.No.31312/2024.
Therefore, both the writ petitions are disposed of with the
following:

ORDER

Both the writ petitions are dismissed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS
CT:TSM
List No.: 1 Sl No.: 13