



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 15590 OF 2026 (GM-FC)

BETWEEN:

SRI. REDDY VENKATESH KAKIMAANI
S/O KAKIMAANI PANDURANGAIAH GUPTHA
ADOPTIVE FATHER OF THE MINOR CHILD
AGED 42 YEARS, NISHI PALACE APARTMENTS
NO. 225, 9TH MAIN, 1ST BLOCK
HRBR LAYOUT, BENGALURU - 560 043.

...PETITIONER

(BY SRI. REDDY VENKATESH KAKIMAANI, PARTY IN PERSON)

AND:

SMT. AKSHATA RADHAKRISHNA NAIK
W/O SRI. REDDY VENKATESH KAKIMAANI,
AGE ABOUT 36 YEARS
R/A NO. 108, 1ST FLOOR,
2ND E CROSS, OMBR LAYOUT
BANASWADI, BENGALURU - 560 033.

...RESPONDENT

(BY SRI. AZHAR MEER, ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO A) STAY THE IMPUGNED
ORDER DATED 02.05.2026 IN I.A. NO. 2 IN M.C. NO. 332/2026
INCLUDING THE COST ORDER OF RS. 5,000/-, PENDING
DISPOSAL AND ETC.,

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Seeking the Court to quash the order that is rendered by the Court of IV Additional Principal Judge, Family Court, Bengaluru on I.A No.II in M.C. No.332/2026 dated 02.05.2026 and for other reliefs, this writ petition is filed.

2. The reliefs sought for by the petitioner are as under:-

- i. "Quash and set aside the impugned Order dated 02.05.2026 in I.A.No.2 in M.C.No.332/2026 (Annexure-A),including the cost order of Rs.5000/-.
- ii. Declare that disputed adoptive status is not a threshold bar to the exercise of welfare jurisdiction under Section 26 of the Hindu Marriage Act, 1955 and that the Family Court's dismissal of interim access without any welfare enquiry constitutes a jurisdictional error correctable under Article 227;
- iii. Declare that the Respondent sworn para 6 admission of the Dattaka Sweekara in G&WC No.301/2025 objections (15.09.2025) is a judicial admission under Section 58 of the



Evidence Act, 1872, binding on her unless withdrawn with leave, dispensing with further proof, and actionable under Order 12 Rule 6 CPC; and that the Family Court had no jurisdiction to disregard it at the interim stage.

- iv. Direct the concerned Family Court, in all further proceedings in M.C.No.332/2026 and any proceedings connected therewith, to conduct a welfare enquiry as mandated by Jyoti Priya v. Paul Goodwin J. (ILR 2021 KAR 4894) and the Karnataka HC Parenting Plan Order (15.12.2025), to record the minor ward's perspective, and to give effect to the respondent's sworn admission including under Order 12 Rule 6 CPC if so advised;
- v. Pass such further orders as this Hon'ble Court deems fit in the paramount welfare of the minor ward Master Avyaan, including any direction applicable to the connected WP No.15593/2026 (GM-FC)"

3. Heard Sri.Reddy Venkatesh Kakimaani the petitioner who appears as party in person as well as Sri.Azhar Meer learned counsel for the respondent.

4. I.A. No.II was filed by the petitioner herein to grant interim custody of the minor boy Master Avyaan from



09.05.2026 to 02.06.2026. Said interlocutory application was dismissed through the impugned order imposing costs of Rs.5,000/- upon the petitioner.

5. Petitioner submits that respondent is his wife and it is the second marriage for both of them. Master Avyaan was born to the respondent. During marriage the adoption ceremony was duly performed and thereby he became the father of Master Avyaan. He is entitled to the custody of the child. However, respondent/mother refused to give interim custody and therefore he filed I.A No.II seeking interim custody during the vacation of the child. But without assigning proper reasons said interlocutory application was dismissed and aggrieved by the same this writ petition is filed. Petitioner finally states that though the petition has become infructuous, this Court may pass certain orders granting interim custody.

6. Petitioner sought interim custody of the minor child from 09.05.2026 to 02.06.2026 through I.A No. II. The period admittedly expired. In case petitioner needs interim custody during anytime after 02.06.2026, he is entitled to move necessary application for grant of such custody. So far as the other reliefs sought for that is declaratory relief that the



disputed adoptive status is not a threshold bar to exercise welfare jurisdiction under Section 26 of the Hindu Marriage Act, to declare that the respondent's sworn para-6 admission of the Dattaka Sweekara is a judicial admission under Section 58 of the Evidence Act and to direct the Family Court to conduct a welfare enquiry and to give effect to respondent's sworn admission, those reliefs cannot be granted through orders in a writ petition. Thus the writ petition is liable to be dismissed. However, this Court is of the view that Family Court ought not have imposed costs upon the petitioner. Therefore, the impugned order is liable to be set aside to the extent of payment of costs. Thus, the following:-

ORDER

The impugned order i.e., orders on I.A No.II in M.C. No.332/2026 dated 02.05.2026 is set aside only to the extent of imposing of costs of Rs.5,000/- upon the petitioner.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 Sl No.: 15