



CNR: KAHC010349172024

NC: 2026:KHC:47059-DB
MFA No. 4098 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

MISCELLANEOUS FIRST APPEAL NO. 4098 OF 2024 (GW)

BETWEEN:

SMT. KANYAMMA
W/O LATE VISHAKANTAPPA,
AGED ABOUT 55 YEARS,
RESIDENT OF BIDARAKOTE VILLAGE,
KOPPA HOBLI, MADDUR TALUK,
MANDYA DISTRICT-571425.

...APPELLANT

(BY SRI. ANANDA K., ADVOCATE)

AND:

1. SRI. SIDDALINGASWAMY
S/O LATE VISHAKANTAPPA,
AGED ABOUT 37 YEARS
R/AT NO. 2037, 9TH CROSS, 18TH A MAIN,
J P NAGARA II PHASE,
BENGALURU-560 078.
2. SRI K V NAGARAJU S/O VEERASHETTAPPA
AGED ABOUT 58 YEARS,
R/AT NO. 1600/A, MAHAVEERA NAGARA,
KUNGAL TOWN, TUMKUR DISTRICT-572 130.
3. SMT K S SHANTHA W/O K V NAGARAJU,
AGED ABOUT 54 YEARS,
R/AT NO. 1600/A, MAHAVEERA NAGARA,
KUNGAL TOWN, TUMKUR DISTRICT-572130.

...RESPONDENTS

(BY SRI.P.B.AJITH, ADVOCATE FOR C/R1;
SRI.BASAVARAJU.P, ADVOCATE FOR R2 & 3)

Digitally
signed by
MALA K N
Location:
High Court
of Karnataka



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THIS MFA IS FILED U/S.47 OF GUARDIANS AND WARDS ACT, AGAINST THE JUDGMENT AND AWARD DATED 18.04.2024 PASSED ON G AND WC NO.20/2018 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, MADDUR, MANDYA DISTRICT, DISMISSING THE APPLICATION FILED U/S 10 OF THE GUARDIANS AND WARDS ACT, 1890 AND SECTION 6 OF THE HINDU MINORITY AND GUARDIAN SHIP ACT.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal under Section 47 of the Guardian and Wards Act, 1980 filed by the Grandmother of Master Priuthviraj who is aged around 12 years studying in class VII, born from the deceased wife of respondent No.1, against the order dated 18.04.2024 passed by the Court of Additional Senior Civil Judge and JMFC, Maddur in G & WC No. 20/2018 filed by the appellant. The first wife of respondent No.1 died on 07.06.2014 at the time of giving birth to the Master Pruthviraj. The Family Court has ordered as under:



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"ORDER

The application filed by the petitioner under Sec.10 of the Guardians and Wards Act, 1890 and section 6 of Hindu minority and guardian ship act is hereby dismissed.

The counter claim of the respondent No.1-Siddlingaswamy who is the natural guardian of the ward-Pruthviraj is allowed. The petitioner is directed to hand over the minor child-Pruthviraj to the custody of the respondent No.1 forth with.

However, till the child is settled down in the atmosphere of the first-respondent, Smt. Sulochana w/o. Kiran is requested to have access with the child for a period of three months for entire day from 8.am to 6. pm at the residence of the respondent No.1. The first respondent shall ensure the comfort of said Sulochanamma @ Sulochana W/o. Kiran during such time of her stay in his house. The respondent shall pay a sum of Rs.15,000/- per month to said Sulochanamma @ Sulochana as her expenses for such period.

For further modification of this order, if any, the parties are at liberty to approach this Court.

Office to issue Certificate accordingly."

2. Respondent-father has got married again with Smt. Chaitra on 06.11.2016 and the couple has a girl child born out of the wedlock on 30.08.2020.

3. In all these years, from his birth till today, the child has been in custody and care of the appellant. The respondent-father has not contributed anything till date for the upbringing and education of Master Pruthviraj. No



one can deny that the respondent No.1 is the natural father. But being natural father automatically does not entitle him to seek custody of the child who has been all through in the custody and case of the appellant and he has not contributed any penny towards upbringing of the child.

4. We would like the child firstly to establish the relationship of love, trust and care with the father and once this relationship is established, the child will decide whether he would like to live permanently with the father or he will continue in the present environment. Hence, at the moment we do not wish to pluck the child from the present environment and hand over him to the father, who has in all these years not taken care of him in the manner which is expected of the father.

5. We therefore dispose of this appeal in the following terms:

1. The custody for present shall remain with the appellant of Master Pruthviraj.



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2. The father will have access to the child through phone at any time, provided his studies are not disturbed.
3. In two alternate Sundays, child will stay with the father and in the morning he will drop the child back to the school.
4. During school long vacations, the child shall spend half of the vacation with the father and half of the vacation with the grandmother.
5. The respondent father shall pay the school fee of the child and Rs.10,000/- per month towards meeting his other expenses in the account of the grandmother.

With the aforesaid direction and order, we dispose of this appeal.

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

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**