



CNR: KAHC010375192026

NC: 2026:KHC:39504
WP No. 16755 of 2026



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.16755 OF 2026 (GM-FC)

BETWEEN:

MR. SHRAVANTH ARYA TANDRA
SON OF SRI PHANI PRAKASH TANDRA
AGED ABOUT 38 YEARS
RESIDING AT NO.301-A, RANKA ENCLAVE
218, SIR CV RAMAN ROAD
RMV EXTENSION, SADASHIVANAGAR
BENGALURU-560 080

...PETITIONER

(BY SRI NISHAN G. K., ADVOCATE)

AND:

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

MRS. DEEPIKA ARYA TANDRA
WIFE OF MR. SHRAVANTH ARYA TANDRA
AGED ABOUT 38 YEARS
RESIDING AT NO.509
5TH MAIN, 11TH A CROSS
GIRINAGAR, 2ND PHASE
BENGALURU-560 085

...RESPONDENT

(BY SRI SAMEER SHARMA, ADVOCATE FOR
SRI RAJKUMAR M. D., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE
ORDER DATED 01.06.2026 PASSED ON I.A. NO.VII IN M.C



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NO.3728/2025 PENDING ON BY 1ST ADDITIONAL PRINCIPAL JUDGE FAMILY COURT BENGALURU (ANNEXURE-A).

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Nishan.G.K learned counsel for the petitioner as well as Sri.Sameer Sharma who represents Sri.Rajkumar.M.D learned counsel on record for the respondent.

2. Seeking the Court to issue a writ of certiorari or any other appropriate writ and to set aside the order that is rendered by the Court of I Additional Principal Judge, Family Court, Bengaluru on I.A.No.VII in M.C.No.3728/2025 dated 01.06.2026, the petitioner who is the father of his minor elder daughter by name Mihira Siri Tandra is before this Court.

3. The flow of events as submitted by learned counsel for the petitioner which are not disputed by



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learned counsel who represents the respondent are as under:

- i. Petitioner and respondent entered into marital relationship in the year 2012.
- ii. In the year 2016, the baby by name Mihira Siri Tandra was born. In the year 2019, the baby by name Lasya Tanmayi Tandra was born.
- iii. In the year 2021, petitioner and respondent got admitted the elder daughter Mihira Siri Tandra to Kendriya Vidyalaya IISC campus.
- iv. In the year 2021, due to disputes that arose between them, parties got separated. Petitioner/husband took the custody of the elder daughter Mihira Siri Tandra and respondent/wife took the custody of younger daughter Lasya Tanmayi Tandra.
- v. In the month of June 2025 respondent/wife filed a case i.e., M.C.No.3728/2025 against petitioner/husband seeking decree of divorce.



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vi. On 23.06.2025, respondent/wife filed I.A.No.IV seeking custody of the elder daughter Mihira Siri Tandra.

vii. While I.A.No.IV was still pending, on 04.07.2025 respondent/wife went to Kendriya Vidyalaya and took the custody of the elder daughter Mihira Siri Tandra.

viii. On 09.10.2025 respondent/wife filed I.A.No.VII seeking a direction to the petitioner/husband to co-operate in obtaining transfer certificate in respect of elder daughter Mihira Siri Tandra from Kendriya Vidyalaya to enable admission of the child to JSS School, Banashankari or any other similar School.

4. Arguing on merits of the matter, learned counsel for the petitioner submitted that with much difficulty, petitioner/father secured admission at Kendriya Vidyalaya. The elder daughter Mihira Siri Tandra was admitted to Kendriya Vidyalaya by the petitioner and respondent together in the year 2021. Respondent/wife filed I.A.No.IV seeking interim custody of elder daughter



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Mihira Siri Tandra (hereinafter be referred to as 'elder daughter' for brevity). Without waiting for the order of the Court, abusing the process of law, forcibly took the custody of elder daughter. Later she filed I.A.No.VII seeking a direction to the respondent to co-operate her in obtaining transfer certificate from Kendriya Vidyalaya. Learned counsel also stated that without even producing the transfer certificate, respondent/wife got the child admitted at Bangalore International Academy. Learned counsel submitted that respondent by knowing fully aware that the Courts anyhow in the interests of the child will condone the acts done by her, has taken the custody while I.A.No.IV was pending and got the child admitted even without obtaining the Transfer Certificate. Learned counsel further submitted that in the impugned order there is a clear observation that the conduct of respondent/wife in taking custody of the child during the pendency of the petition without order of the Court is not appreciable. Having observed thus, the Court ought to have dismissed



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I.A.No.VII. But only considering that for the welfare of the child, the relief sought for is required to be granted, allowed I.A.No.VII. Learned counsel further stated that as the conduct of respondent/wife is against the mandate of law, Family Court ought to have dismissed I.A.No.VII. Learned counsel thereby sought to allow the writ petition.

5. On the other hand, learned counsel who represents the respondent stated that the elder daughter expressed her intention to live with the respondent and therefore, respondent took the elder daughter into her custody. Learned counsel further submitted that as the elder daughter has been admitted to Bangalore International Academy. Though the way in which the respondent took custody of the elder daughter and got her admitted at Bangalore International Academy is not based on orders of any Court yet considering paramount welfare of the child, she should be continued to study in Bangalore International Academy where she was admitted by



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respondent. Stating that the education of the child should not get affected learned counsel for the respondent placed reliance upon the judgment of the High Court of Madras reported in (2009) 6 CTC 760 between S.Kannan and Priya.

6. Filing of I.A No.IV by respondent/wife seeking custody of the elder daughter makes it clear that respondent is well aware of the fact that she is required to obtain custody of the elder daughter from her husband i.e., the petitioner herein through the orders of the Court. But respondent without waiting for the orders of the Court, pending disposal of I.A No.IV, went to the school where the elder daughter is studying and took the custody of the child. Even thereafter respondent/wife has not filed any application before the Family Court seeking permission to retain the custody. Also respondent did not file any application before the Family Court seeking permission of the Family Court to get the elder daughter admitted either



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at Bangalore International Academy or at any other school. She straight away got the child admitted at Bangalore International Academy.

7. Undoubtedly, the prime duty of the Courts of law is to recognize and pass orders towards the paramount welfare of the child. However, that does not mean that a party to the proceedings can do anything without an order of the Court and thereafter can claim that such thing has been done thinking anyhow an order will be passed to do the same thing as the thing done is for the best interest of the child. An order which validates the wrong doing of a party cannot be held to be in accordance with law..

8. In the case on hand it is clear that respondent/wife who is well aware that she is required to obtain an order of the Court for taking custody of the child, without obtaining any such order took the custody of the child. She has not stopped there. She filed I.A No.VII



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on 09.10.2025 seeking a direction to the petitioner/husband to co-operate with her in obtaining transfer certificate to enable her to admit the child to a school of her choice. While said interlocutory application was pending, she got the child admitted at Bangalore International Academy. The letter addressed by the Principal, Bangalore International Academy to the Principal Kendriya Vidyalaya. Indian Institute of Science, Bangalore dated 20.01.2026 reveals said fact.

9. Now taking the sole mantra that the Courts are bound to consider the paramount interest of the child, respondent/wife seeks the Court to condone all her acts.

10. . In the impugned order, Family Court made a clear mention that the conduct of respondent/wife taking custody of the elder daughter during the pendency of the petition without the order of the Court is not appreciable. However, making an observation that her conduct should not affect the education and overall well being of the



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minor daughter, Family Court allowed I.A No.VII. The things that went on makes it evident that expecting the same observation from the Family Court, respondent has taken the custody of the elder daughter and got her admitted at the school of her choice without there being any orders of the Court to that effect. If things like this are permitted to be done, the parties to the proceedings in Family Courts will do in the way they like and thereafter taking shelter of the norm 'for the best interest of the child', seek Court to condone their acts.

12. Having considered the fact that the respondent is wholly at fault in taking custody of the elder daughter without an order of the Court and thereafter getting admitted to a school without obtaining an order of the Court, this Court is of the view that there are sufficient grounds to quash IA No.VII. Hence, the writ petition is disposed of with the following:-



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ORDER

- i. The order that is rendered by the Court of First Additional Principal Judge Family Court, Bangalore on IA No. VII in MC No. 3728/2025 is quashed.
- ii. As the well being and education of the child i.e., Mihira Siri Tandra should not be affected, respondent is directed to take all steps to get the child continue her education at Kendriya Vidyalaya, IISC Bangalore.
- iii. The Principal, Kendriya Vydyalaya IISC Bangalore is directed to enroll the child Mihira Siri Tandra in the 6th standard and provide all assistance for continuing her education.
- iv. The Court of I Additional Principal Judge, Family Court, Bangalore is directed to pass all such orders if required on applications if any filed by either party to the proceedings for the child to pursue her education at Kendriya Vidyalaya
- v. The writ petition is accordingly disposed of.
- vi. Any observations made by this Court in this order, regarding the conduct of respondent/wife



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shall not be taken into consideration by the Family Court while disposal of M.C No.3728/2025 or while disposing any other interlocutory applications which are pending or if any to be filed by either parties to the proceedings.

In the light of the disposal of the writ petition, proceedings in interlocutory applications pending if any stands closed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS,VS
CT:VC
List No.: 1 Sl No.: 17