



CNR: KAHC010390432026

NC: 2026:KHC:52239
WP No. 17733 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 17733 OF 2026 (GM-FC)

BETWEEN:

MR. ANIL KUMAR SHET S.,
S/O. LATE NAGESH SHET,
AGED ABOUT 44 YEARS,
R/A. D. NO 4-9-853,
NEAR B.G. SCHOOL, KALAKUNJ ROAD,
MANGALURU-575 003

...PETITIONER

(BY SMT.KRITHIKA CHANDRASHEKARA JAMKHANDI,
ADVOCATE FOR
SRI. SUBBA REDDY K.N., ADVOCATE)

AND:

DR. RAMYA ANIL SHET @
MRS. NAGASHREE R.,
W/O. ANIL KUMAR SHET S.,
AGED ABOUT 42 YEARS,
R/A. NO. 1254, 9TH B MAIN,
6TH CROSS, SRINIVAS NAGAR,
VTC BANASHANKARI,
BENGALURU - 560 050

...RESPONDENT

(BY DR.RAMYA ANIL SHET @ MRS.NAGASHREE R., PARTY -IN-
PERSON)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO ISSUE AN
APPROPRIATE WRIT, ORDER, OR DIRECTION IN THE NATURE
CERTIORARI SET ASIDE THE IMPUGNED ORDER DATED



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27.04.2026 PASSED AGAINST IA NO.28 ANNEXURE-A IN G AND W.C. NO.8/2024, PENDING ON THE FILE OF THE LEARNED PRINCIPAL JUDGE, FAMILY COURT MANGALURU AND TO CONSEQUENTLY ALLOW THE IA.NO. XXVII FILED BY THE PETITIONER VIDE ANNEXURE-D.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed aggrieved by the orders passed in G&WC No.8/2024 dated 27.04.2026 by the Principal Judge, Family Court, DK, Mangalore, the husband is before this Court.

2. Both parties are referred to as father and mother for the sake of convenience.

3. The petitioner/father has filed the G&WC seeking custody. In that, he has filed an application praying for the transfer of the petition from the Principal Judge Court to the I Additional Family Court, Mangalore. According to the father, the Family Court is leaning toward the respondent/mother. The mother has not produced any documents in support of her case and financial capacity to maintain the children. The Court has



passed an order permitting the mother to visit the children's school and interact with the teachers. The said order caused anguish and an inferiority complex in the minds of the children. It is also stated that the Family Court was not polite in dealing with the children when they appeared before the Court. The Court has given frequent dates on a day-to-day basis, ignoring the fact that counsel for the petitioner was undergoing a CT scan, and rejected the argument of the petitioner. The Family Court has shown leniency to the mother and is biased against the father. The Family Court has twice expressed in open Court that it is empowered to bring the children before the Court. Therefore, the father stated that he has lost faith in the Court for the biased manner in which the case is progressing. The father apprehends that the case will not be dealt with in free, lawful and reasonable manner and he and his children will not get justice. That application came to be dismissed by the family Court.

4. While dismissing the application, the Family Court observed that, as per the order dated 27.02.2026, the Court had directed the father to produce both children for chamber



interaction. On 28.02.2026, on behalf of the father, it was submitted that the children were attending examinations, and again on 02.03.2026, it was reported that the elder child had sustained an injury after spilling hot tea on his leg, and photographs were produced. The father did not present himself before the Court, but the minor son appeared on 24.03.2026. The mother was also present on the date of hearing. After chamber interaction for 10 minutes, the mother was permitted to interact and spend quality time with the son from 04.05 p.m. to 5.10 p.m. in the childcare room adjacent to the Court hall. Thereafter, the Court again interacted with the mother and minor son in the chambers in the presence of the advocate appearing for the father. The minor child has been advised to accompany his mother till 7.00 p.m. and they left. But the mother, on a subsequent date of hearing, reported that the father was waiting on the ground floor of the Court building and took the son away from her, not allowing her to exercise visitation. On 27.03.2026, a memo is filed that the other child is declining to appear before the Court as he developed fear. The advocate has furnished the phone number to the Court to



interact with the child. However, the Court passed a detailed order on 04.04.2026 and rejected the memo and constrained to direct the CDPO to secure the presence of the minor child and bring him before the Court on 06.04.2026. CDPO has filed a report on 07.04.2026 stating that, due to the non-cooperation of the father, she could not secure the presence of the child. It is reported that the father had informed the officer that the child is not willing to appear before the Court. It is further stated that the advocate appearing for the father has threatened the officer while executing the Court order. The advocate thereafter filed an affidavit denying the allegations made against him by the officer. The report of the CDPO prima-facie reflects the conduct of the litigant and his agents. In view of said conduct, the Court passed an order on 07.04.2026 by issuing bailable warrant to the father for Rs.25,000/- by directing the CDPO to produce the minor child in the Court on 08.04.2026 before 05.30 p.m. The CDPO has been permitted to take the assistance of jurisdictional police in civil dress to execute the warrant against the petitioner/father in order to secure the presence of the minor child. The said order is still



operating against the father and he has neither complied nor warrant is executed. The argument of the mother is that she has ascertained from the reliable sources that after the developments, the father has shifted the location of the minor children to the house of his relatives situated in Bangalore in order to avoid execution of the Court order. The very next day the father has filed the present application to transfer the case to the Additional Family Court. The Family Court observed that the father, from the beginning, with one pretext or another, has been avoiding production of the children for interaction before the Court. The younger child is born on 15.05.2015 and he is aged 11 years. This Court had noticed, on earlier occasions when both children appeared before the Court, that there was absolutely no sign of fear of the Court on their faces. The Court on 06.11.2025 in the order sheet has recorded that the father has expressed his apprehension if the children are once allowed to exercise visitation, the mother may not return them to his custody. The argument is that he is not going to force the children to go with their mother during visitation. The Court further observed that the father, being the custodial



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parent, is intending to protract the case and derail the proceedings for the reasons best known to him. The Court further observed that the Hon'ble Supreme Court in case of ***Neelam Manmohan Attavar Vs. Manmohan Attavar***¹ held that merely because an earlier order of the Court is not in favour of the applicant, he cannot make it ground to seek recusal. The litigant cannot be permitted to browbeat the Court by seeking bench of his choice. The Court has come to the conclusion that the said ratio laid down by the above Court judgments applies to the facts of the case and accordingly dismissed the petition.

5. Learned counsel appearing for the petitioner submits that the order sheet shows that the respondent has sent an email to the registry seeking an adjournment, but no formal application has been filed. It is stated that, in view of the orders and the conduct, they filed this application seeking transfer of the case from the Principal Family Court to the I Addl. Family Court. The learned Judge, without considering these aspects, has dismissed the petition.

¹ (2021) 3 SCC 727



6. The respondent/mother is present before the Court as a party-in-person. It is submitted that she has appeared before the party-in-person committee, but they have not granted permission. However, she was permitted to engage an advocate.

7. Having heard the learned counsel of the petitioner, perused the material on record. All the incidents narrated by the petitioner/father cannot serve as grounds for transferring the case from one Court to another. The father is the custodial parent. The mother is seeking visitation. It is the duty of the Court exercising *parens patriae* jurisdiction to safeguard the welfare and interests of the minor child. The child needs the love and affection of both the mother and the father. In that process, the Court passed an order in favor of the mother granting parenting time; the father, on one pretext or another, has not brought the children to the Court, saying that the children are not interested. Hence, having no other alternative and to implement the Court orders, the Court has also issued warrants. Even to date, it appears that the father has not



complied with the same. There are several lapses on the part of the father, and as the Court is insisting that he should implement the Court orders, he has come up with this kind of frivolous petition. In fact, this is a case where exemplary costs have to be imposed on the father for making this kind of an application and further coming before this Court with this writ petition. However, taking a lenient view, this Court is not imposing any costs. However, it is made clear that hereafter, if these kinds of applications are filed, the Court would view them very seriously. There are absolutely no reasons to transfer the case from one Court to the other, and this Court finds no reason to interfere. Hence, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. Pending IAs., in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE