



CNR: KAHC010518982025

NC: 2026:KHC:47969-DB
MFA No. 5894 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

MISCELLANEOUS FIRST APPEAL NO.5894 OF 2025(GW)

BETWEEN:

SMT. PRIYANKA L
W/O. GIRISHA .N.
AGED ABOUT 32 YEARS
R/AT NO.33, 34, KASTHURI RESIDENCY,
3RD CROSS, GNANESHWARI LAYOUT,
NEAR NANJAPPA CIRCLE, VIDYARANYA,
BENGALURU-560 097.
PRESENTLY RESIDING AT D4-103,
SRI.PRAKRITI APARTMENTS,
THINDLU MAIN ROAD, DHANALAKSHMI LAYOUT,
NEAR VIRUPAKSHIPURA, KODIGEHALI,
BANGALORE NORTH BANGALORE-560 097.

...APPELLANT

(BY SRI. DEVARAJA.L.,ADVOCATE)

AND:

SRI. GIRISH N
S/O NANJA G.
AGED ABOUT 36 YEARS,
RESIDING AT NO.1395/A, 5TH MAIN,
IIND CROSS, D BLOCK, IIND STAGE,
RAJAJINAGAR, BANGALORE-560 010.

...RESPONDENT

(BY SMT. VAKKUND SONATAI GANAPATRAO, ADVOCATE)

THIS MFA FILED U/S.47 (a) OF GUARDIAN AND WARDS
ACT, AGAINST THE JUDGMENT AND DECREE DT. 29.10.2024
PASSED IN G AND WC NO. 197/2017 ON THE FILE OF THE I

Digitally signed
by MALA K N
Location: HIGH
COURT OF
KARNATAKA



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ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU,
PARTLY ALLOWING THE PETITION FILED U/S.7 AND 25 OF THE
GUARDIANS AND WARDS ACT, 1890.

THIS APPEAL, COMING ON FOR ADMISSION, 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, 1892 against the Order dated 29.10.2024
passed by the I Additional Principal Judge, Family Court at
Bengaluru, in G & WC No.197/2017 filed by the
respondent-husband seeking custody of his son master
Lochan Gowda.

2. The marriage between the respondent and the
appellant was performed on 17.11.2011. Out of the
wedlock, son Master Lochan Gowda was born on
16.02.2013. The parties are living separately since
25.12.2016. The son is living with the mother. The divorce
petition is pending between the parties. The appellant-wife



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is a Software Engineer and working in M/s.Mphasis and financially well-off. Whereas, the respondent-husband does not have good technical qualification. He is working in some Construction Company and presently it is said that he is drawing salary of Rs.30,000/- per month.

3. It is not in dispute that since 2016, the respondent-father has not contributed a single penny towards upbringing of his son, neither any educational expenses have been met by him. It is the mother who has been taking care of the son all alone including the educational expenses.

4. Considering the aforesaid fact that Master Lochan Gowda has been with mother, plucking away the son from the custody and care of the mother and entrusting the custody to the father, who has never contributed a single penny to the upbringing of the son since 2016, would not be justified and it would not be the interest of the child. However, the father must have



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visitation right and the father and son must establish the relationship of love and respect. Therefore, we allow this appeal and set aside the impugned judgment and order passed by the Family Court.

5. Keeping in view the paramount interests of the child, we pass the following order in respect of the visitation rights of the father:

(i) The father will have access to the son over the phone as and when he wishes to talk to him and *vice versa*;

(ii) The parties will exchange the phone numbers to establish the contact and to have conversation with each other.

(iii) Fourth Sunday of every month, the son will spend time with the father. The father will drop the son to the school on next Monday.

(iv) The son will spend half of the Summer and Winter Vacations of every year with the father.



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(v) The father will contribute Rs.10,000/- per month for upbringing of Master Lochan Gowda. The said amount of Rs.10,000/- to be credited in the bank account of the wife on or before 7th day of each month. The details of the bank account of the wife shall be furnished to the respondent-husband for doing the needful.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

KNM
List No.: 1 Sl No.: 27