

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 29175 OF 2025 (GM-FC)

BETWEEN:

MRS. DEESHMA G,
D/O GOPALAKRISHNAN K
AGED ABOUT 32 YEARS
R/AT. NO.47 NANDHANAM
PUTTARAJU LAYOUT,
KALKERE VILLAGE
BANNARUGHATTA ROAD
BANGALORE 560 083.

...PETITIONER

(BY SMT. RASHMI GEORGE.,ADVOCATE)

AND:

MR. VISHEN VINAY KUMAR
S/O. VINAY KUMAR PK
AGED ABOUT 33 YEARS
R/AT. 3 1086 APPUS DEN
BEHIND RAILWAY LINE ASHOK THEATRE
BROTHER'S COLONY
CHIKKABANAVARA
BANGALORE 560 090.

...RESPONDENT

(BY SRI.BASAVARAJ SAPPANNAVAR, ADVOCATE FOR R1)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER (ANNEXURE-A) DATED 21.08.2025 IN G AND WC NO. 42/2025 PENDING ON THE FILE OF THE HONBLE 4TH ADDL. SENIOR CIVIL JUDGE, BANGALORE RURAL DISTRICT, BENGALURU AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 16.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV ORDER

This writ petition is assailing the common order dated 21.08.2025 passed in G & WC No.42/2025 by the Court of the IV Additional Senior Civil Judge, Bengaluru Rural District ('the Family Court' for short), whereby the application dated 02.08.2025 filed by the petitioner under Section 12 of the Guardians and Wards Act, 1890, seeking modification of visitation, and the application dated 19.07.2025 filed by the respondent under Section 151 of the CPC seeking police assistance, have been rejected, and consequential directions including appointment of a Court Commissioner have been issued.

2. The petitioner herein is the mother and respondent herein is the father of the minor child.

3. The brief facts of the case are that:-

The marriage between the petitioner/mother and the respondent/father was solemnized on 02.07.2020 and out of the said wedlock, a male child, namely Master Adhvaith,

was born on 05.04.2022. It is the case of the petitioner that on 17.04.2025, the respondent forcibly took away the minor child. The petitioner lodged a complaint on 22.04.2025, which resulted in registration of FIR No.0119/2025 on 04.05.2025. Thereafter, the petitioner instituted proceedings under the Guardians and Wards Act in G & WC No.42/2025 on 24.04.2025 seeking custody of the minor child.

4. The Family Court, upon consideration of the interim application, by order dated 10.06.2025, granted interim custody of the minor child to the petitioner-mother and directed the respondent to return the child. The respondent challenged the said order before this Court in W.P.No.17004/2025, and this Court, by order dated 16.06.2025, confirmed the custody in favour of the petitioner and granted visitation rights to the respondent-father, prescribing conditions governing the manner of visitation and the conduct of both parents.

5. It was not in dispute that the said order dated 16.06.2025 in W.P.No.17004/2025 contains specific

clauses, including clause (ii) in the operative portion, which mandates that both parents shall ensure that they do not speak ill of the other parent and provides that any violation shall be considered seriously by the Family Court, and clause (vii), which permits the parties to seek relief before the Family Court but expressly stipulates that such relief shall be sought without altering the existing arrangement.

6. Subsequent to the said order, disputes arose between the parties regarding visitation. The respondent filed an application dated 19.07.2025 under Section 151 of the CPC seeking police assistance for enforcement of visitation, alleging non-cooperation on the part of the petitioner. The petitioner, on the other hand, filed an application dated 02.08.2025 under Section 12 of the Guardians and Wards Act seeking modification of visitation, alleging that during visitation, the respondent was speaking ill of the petitioner, poisoning the mind of the minor child and causing emotional distress.

7. The Family Court, after considering the rival contentions, rejected both applications by the impugned order dated 21.08.2025. While doing so, the Family Court framed the point for consideration as to whether either party had made out grounds for allowing their respective applications. Upon consideration of the pleadings and the material on record, the Family Court held that though it is empowered to take note of allegations of violation of clause (ii) of the order of this Court in WP No.17004/2025, it cannot alter or modify the visitation arrangement fixed by the High Court in view of the restriction contained in clause (vii) in W.P.No.17004/2025 which states as under:-

" (vii) In this order any particular aspect on visitation is not considered, both the parties are at liberty to seek the relief from the court without altering the existing arrangement".

8. The Family Court accordingly rejected the petitioner's application for modification. It also declined to grant police assistance as sought by the respondent, and

instead adopted a measure by appointing a Court Commissioner to facilitate the visitation process.

9. Learned counsel for the petitioner would contend that the Family Court has failed to consider the material placed on record, including audio and video recordings, which allegedly demonstrate that the respondent has been speaking ill of the petitioner in the presence of the child, thereby violating clause (ii) of the order dated 16.06.2025. It is further contended that the Family Court has committed an error in construing clause (vii) as a complete bar against modification, and has thereby failed to exercise jurisdiction vested in it to protect the welfare of the child.

10. On the other hand, the respondent has taken a stand before the Family Court that the petitioner has been obstructing visitation and that the Family Court cannot modify the order passed by this Court in W.P.No.17004/2025. It is also contended that the application for modification is not maintainable in view of

the express limitation imposed by this Court in W.P.No.17004/2025.

11. Heard learned counsel appearing on either side.

12. Having heard the submissions and perused the material on record, this Court finds that the primary issue that arises for consideration is the scope and effect of the order dated 16.06.2025 passed by this Court in W.P. No.17004/2025, particularly clauses (ii) and (vii), and whether the Family Court was justified in declining to modify the visitation arrangement.

13. A careful reading of clause (vii) of the order dated 16.06.2025 makes it clear that while liberty has been granted to the parties to seek appropriate relief before the Family Court, such liberty is expressly circumscribed by the condition that the existing arrangement shall not be altered. The expression "without altering the existing arrangement" is unambiguous and places a clear limitation on the powers of the Family Court. Any modification of the visitation schedule or the nature of

visitation would necessarily amount to alteration of the arrangement fixed by this Court.

14. In the present case, the relief sought by the petitioner in the application dated 02.08.2025 is for modification of visitation. Though the application is couched in terms of addressing alleged misconduct of the respondent, the substantive relief sought is one which would change the manner in which visitation is to be exercised. Such a relief, if granted, would directly impinge upon and alter the arrangement fixed by this Court on 16.06.2025.

15. It is observed that the Family Court has correctly appreciated this limitation and has held that while it may consider allegations of violation of clause (ii), it cannot grant a relief that would result in alteration of visitation. This reasoning cannot be said to be erroneous or perverse. On the contrary, it is in strict adherence to the directions issued by this Court.

16. Insofar as the contention of the petitioner that the Family Court has failed to consider the material placed on record is concerned, it is to be noted that the nature of the allegations, namely that the respondent is influencing the mind of the child and speaking ill of the petitioner, would require a detailed enquiry and appreciation of evidence. Such an exercise is ordinarily undertaken in the main proceedings and not at the interlocutory stage, particularly when the relief sought would have the effect of altering an arrangement fixed by this Court.

17. It is also pertinent to note that the Family Court has not accepted the request of the respondent for police assistance, and has instead adopted a balanced approach by appointing a Court Commissioner to oversee the visitation. This indicates that the Family Court has exercised its discretion judiciously, taking into consideration the sensitivities involved in matters relating to child custody and visitation.

18. It is also observed that the Family Court has considered the relevant aspects and has taken note of the

order of this Court dated 16.06.2025, has rightly interpreted the same. Therefore, the impugned order is thus a reasoned one and does not call for interference in exercise of supervisory jurisdiction.

19. In view of the above, this Court is of the considered view that the petitioner has not made out any ground to interfere with the impugned common order dated 21.08.2025 passed by the Family Court.

20. Accordingly, the writ petition stands ***dismissed***. The impugned order dated 21.08.2025 passed in G & WC No.42/2025 is hereby confirmed.

No order as to costs.

**SD/-
(DR.K.MANMADHA RAO)
JUDGE**

BNV