

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. 29683 OF 2025 (GM-FC)

BETWEEN:

SMT. MEENAKSHI PATIL
W/O DR.AMARESH MALIPATIL,
AGED ABOUT 42 YEARS,
R/A. D-107, KEERTHI HARMONY APARTMENT,
T.C PALYA ROAD, RAMAMURTHYNAGAR,
BANGALORE 560 016.

NOW RESIDING AT:
R/A.NO.B-204,
ROHAN UPVAN APARTMENTS
BYRATHI,
BANGALORE 560 077.

...PETITIONER

(BY SRI.KIRAN S.ROZARIO.,ADVOCATE)

AND:

DR. AMARESH VIRUPANAGOUDA MALIPATIL
S/O DR.VIRUPANAGOUDA MALIPATIL
AGED ABOUT 44 YEARS
R/A.K-203, KEERTHI HARMONY APARTMENT,
T.C PALYA ROAD, RAMAMURTHYNAGAR,
BANGALORE 560 016.

...RESPONDENT

(BY SMT. S.K. PRATHIMA, ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS IN G AND WC NO. 25 OF 2023 ON THE FILE OF THE HONORABLE 5TH ADDL. PRINCIPAL JUDGE, FAMILY COURT AT BANGALORE AND TO SET ASIDE THE ORDER ON I.A.NO. 18 DTD. 19.09.2025 PASSED BY THE HONORABLE 5TH ADDL. PRINCIPAL JUDGE, FAMILY COURT AT BANGALORE VIDE ANNEX-A BY ISSUING A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT OR WRITS AS THIS HONORABLE COURT MAY DEEM FIT TO ISSUE IN THE CIRCUMSTANCES OF THE CASE.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 10.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV ORDER

The present writ petition is filed seeking to issue writ of certiorari by setting aside the order on IA No.18 dated 19.09.2025 in G&WC No.25/2023 on the file of the V Additional Principal Judge, Family Court at Bangalore ('the Family Court' for short).

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

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

The petitioner and the respondent are legally wedded wife and husband. The parties were married on 26.12.2010 at Kalburgi, and the marriage was registered on 30.12.2010. The petitioner and respondent resided in the United States from January 2011 to November 2019. The respondent is alleged to have misappropriated the

petitioner's finances, purchased properties without her benefit, and subjected her and her parents to dowry demands.

4. Out of their wedlock, the petitioner gave birth to two children, the son Reyansh and daughter Gowri. Reyansh was diagnosed with Global Developmental Delays and required continuous therapy. According to the petitioner, she alone provided for the children's maintenance, therapy, and education, while the respondent neglected his parental duties.

5. The petitioner alleges that the respondent subjected her to repeated physical and sexual abuse, including forced sexual acts against her consent, and threatened her with dire consequences if she disclosed his homosexual relationship with Shiva Prasad Kotagiri. She further contends that the respondent controlled her clothing, behaviour, and personal freedoms and assaulted her when she resisted.

6. The petitioner states that she was forced to go out of the matrimonial home in October 2022 and has since then the petitioner been taking care of the children independently, including their education and therapy, without any support from the respondent. Further, the respondent filed child custody and divorce proceedings in G&WC 25/2023 and M.C.No.2802/2024, seeking custody of the minor son and visitation of the daughter. She submits that interim custody granted to the respondent would expose the children to danger and emotional trauma.

7. According to the petitioner, on 15.12.2024, during the respondent's interim custody, the minor daughter suffered injuries to her genitals, requiring immediate medical attention and police involvement. She claims that respondent acted suspiciously, and the incident led to registration of Crime No.763/2024 under the POCSO Act.

8. Based on the pleadings and the material available on record, the learned Family Court framed the

issues and partly allowed I.A.No.18 filed by the petitioner u/s.12 of the Guardian and Wards Act read with 151 of the CPC and directed the respondent to handover the custody of the minor children Master Reyansh and Kumari Gowri to the petitioner during Dasara holidays from 10 am. on 27.09.2025 till 5 pm. on 01.10.2025, during Diwali from 10 am. on 20.10.2025 till 5 pm. on 22.10.2025, during Christmas holidays from 10 am. on 24.12.2025 till 5 pm. on 28.12.2025 and during their summer vacation from 10am. on 01.04.2026 till 5 pm. on 04.05.2026.

9. The learned counsel appearing for the petitioner/mother would contend that prior order of the coordinate bench of this Court in WP Nos.11643/2025, 11590/2025, 11619/2025, and 15354/2025 provided for supervised visitation of the father in the presence of the grandmother or, alternatively, in the play area. The impugned order allegedly contravenes these directions and grants unsupervised custody during the children's vacations.

10. The petitioner prays that the impugned order granting interim custody to the respondent be quashed and limited to supervised visitation to prevent harm to the children.

11. Per contra, learned counsel appearing for the respondent/father contends that he has been actively involved in the upbringing of the children, including taking Reyansh to therapies, providing meals, and ensuring their overall welfare. He contends that the petitioner abandoned responsibilities, obstructed his lawful visitation, and created difficulties in his access to the children.

12. The respondent further contends that the petitioner has been irresponsible and narcissistic, interfered with therapy sessions, and alienated the children from him. He submits that he ensured their education, paid fees, and maintained their health, and that the children expressed comfort and willingness to spend time with him.

13. According to the respondent, the allegations in the POCSO case are being used by the petitioner to block his visitation rights. The 'B' final report filed by the police shows that no immediate risk to the children exists. He contends that the petitioner violated prior orders of the co-ordinate bench of this Court regarding supervised visitation by taking the children outside prescribed locations.

14. It is further contended that the Family Court, in the impugned order dated 19.09.2025, after considering both parties' submissions, allowed I.A.No.18 in part, granting interim custody to the respondent during the children's Dasara, Diwali, Christmas, and summer vacations. The order included safeguards: ensuring children's needs, avoiding objectionable food, taking Reyansh to therapy, and facilitating daily communication between the children and petitioner.

15. Heard learned counsel for the petitioner as well as respondent.

16. Having considered the submissions of the parties and perused the impugned order, it is observed that the Family Court specifically relied upon the observations of the co-ordinate bench of this Court in WP No.11619/2025, wherein the children expressed willingness to meet their father and were observed to be comfortable and attentive during interaction. The Family Court found no serious apprehension in the children spending time with the respondent under controlled circumstances.

17. The Family Court also considered prior orders on custody and visitation, including I.A.Nos. 6, 7, 9, 12, and 13, and directions of the co-ordinate bench of this Court regarding supervised visitation. The Family Court balanced the non-custodial parent's right to bond with the children with the need for protection and supervision which is in consistent with child welfare principles.

18. In the impugned order, the Family Court emphasized that interim custody during vacations allows the respondent to maintain a relationship with his children

and ensures that therapy and routine are not disrupted, and provides limited and structured contact with the petitioner through audio/video calls.

19. This Court observes that the impugned order carefully imposed reasonable safeguards to ensure children's safety. The concerns raised regarding past allegations and the pending POCSO case, while serious, do not indicate imminent risk during the limited custody periods under supervision.

20. The observations of this Court in WP No. 11619/2025, regarding the children's comfort with the father, form an important factor. The children expressed a positive attitude towards meeting their father, and no aversion or fear was noted. The Family Court's order aligns with the "best interest of the child" principle under the Guardians and Wards Act, 1890.

21. This Court observes that the impugned order is consistent with the Child Access & Custody Guidelines Parenting Plan, 2025 by the High Court of Calcutta which

adopted by the Division bench of this Court on interim custody and visitation. These guidelines emphasize supervised custody, maintaining child welfare, and ensuring minimum disruption to therapy and schooling. The Family Court correctly applied these principles.

22. It is evident that the Family Court applied its mind to the facts and materials before it. Allegations by the petitioner, including historical misconduct and financial grievances, do not warrant suspension of interim custody, which is structured and limited in scope.

23. The Family Court further observes that denying the respondent interim custody during vacations would disrupt bonding with his children and impede the non-custodial parent's legitimate rights. The Family Court imposed appropriate restrictions to minimize risk and protect the welfare of the children.

24. In the light of the above discussion, it is clear that the impugned order is legally sustainable, proportionate, and in accordance with law. The Family

Court did not commit any jurisdictional error, nor did it fail to consider relevant material.

25. In light of the above, the impugned order is legally sustainable, proportionate, and in accordance with law. The Family Court did not commit any jurisdictional error, nor did it fail to consider relevant material. The writ petition, challenging both the main prayer for quashing the Family Court order and the interim prayer for stay of operation, is therefore devoid of merit. Therefore the following order is passed:

i) The petition is ***dismissed.***

ii) The impugned order dated 19.09.2025 passed by the V Additional Principal Judge, Family Court, Bangalore in G&WC No.25/2023 on I.A.No.18 is hereby confirmed.

iii) The parties are directed to comply strictly with the conditions

imposed during the interim custody
periods.

iv) No order as to costs.

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

BNV