



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 34938 OF 2025 (GM-FC)

BETWEEN:

CHIRAG THOMAS,
S/O THOMAS JOSE,
AGED ABOUT 38 YEARS,
RESIDENT OF:-
C332 SOWPARNIKA SANVI,
PHASE 2, WHITEFIELD,
BENGALURU - 560066.

...PETITIONER

Digitally signed
by AASEEFA
PARVEEN

(BY SRI. SIJI MALAYIL, ADVOCATE)

Location: HIGH
COURT OF
KARNATAKA

AND:

TEENA CHANDRASHEKHARA,
D/O KOTTANCHERRY CHANDRASHKHARA,
AGE ABOUT 37 YEARS,
R/AT PROPERTY 5A,
1ST MAIN A CROSS,
GREEN PARK LAYOUT,
DODDABANASWADI,
BENGALURU - 560043



ALSO AT:-

MERCEDES BENZ RESEARCH AND
DEVELOPMENT INDIA, EMBASSY CREST,
P1, PLOT NO 5, WHITE FIELD MAIN ROAD,
NEAR SATHYA SAI BABA HOSPITAL,
EPIP ZONE, HOODI,
BENGALURU - 560 066.

ALSO AT:

G 1401, SUMADHURA EDEN GARDEN,
1ST MAIN ROAD,
OFF SARIBABA ASHRAM ROAD,
DODDABANAHALLI,
WHITEFIELD,
BENGALURU - 560 067.

...RESPONDENT

(BY SMT. ANUBHA SRIVASTAVA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF CERTIORARI THEREBY MODIFYING THE INTERIM ORDER DATED 03.11.2025 ON INTERIM APPLICATION FILED UNDER SECTION 12 OF GUARDIAN AND WARDS ACT NUMBERED AS I.A. NO.3 IN G AND WC NO.356/2024 BY VI ADDL. JUDGE, FAMILY COURT, BENGALURU, VIDE ANNEXURE-A GRANTING INTERIM CUSTODY OF MINOR CHILD ON ALL SATURDAYS AND SUNDAYS AND HALF OF SCHOOL VACATIONS OF CHIL D IN SUMMER, DUSSEHRA AND WINTER.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL ORDER

Heard Sri.G.Malayil learned counsel for the petitioner as well as Ms.Anubha Srivastava learned counsel for respondent.

2. Seeking the Court to issue writ of certiorari and to modify the order that is passed by the Court of VI Additional Principal Judge, Family Court, Bengaluru on I.A.No.III in G & WC No.356/2024 dated 03.11.2025 this writ petition is filed.

3. Through I.A.No.III petitioner who is the father of the child by name Zyan Teena Chirag sought the interim custody of the child on all Saturdays and Sundays and half of all school vacation. Family Court through the impugned order granted interim custody/visitation rights of the child twice in a month i.e., on every 1st and 3rd Saturday from 10.00 a.m. to 06.00 p.m. Aggrieved by the same, this writ petition is filed.



4. Learned counsel for the petitioner submits that respondent is maintaining illicit intimacy with another person and therefore, keeping the child in the custody of respondent is not desirable. The child has got lot of love and affection towards petitioner. However, respondent is asking the child to call her paramour as father. Learned counsel states that petitioner and his family members are intending to take good care of the child and petitioner is unable to spend much time with the child during the limited period granted by Family Court and hence, this writ petition is filed. Learned counsel also states that he filed I.A.No.1/2026 seeking this Court to grant interim custody of the child from 27.02.2026 to 02.03.2026 for attending 40th wedding anniversary of his parents at Kerala. Learned counsel seeks to allow the said petition.

5. Per contra, learned counsel for the respondent submits that the child is aged around 5 years. Respondent has no relationship whatsoever with any other person. The person whom petitioner is pointing out is the colleague of



respondent. Except association at office in official capacity, they have got no other relationship. Whenever petitioner is with the child, petitioner is keeping on telling the child that his mother is in contact with another person, which is atrocious. Learned counsel also states that petitioner has no knowledge of the manner in which the child has to be taken care of and he has never taken care of the child at all till now. Learned counsel further submits that petitioner without informing respondent took the child to Kerala and respondent could get the custody of the child with much difficulty and that too with police assistance. Learned counsel also states that the child who is tender aged will not feel convenient without mother that too at a foreign place and hence, I.A.No.1/2026 is not maintainable. Learned counsel also states that respondent is complying the impugned order and petitioner is spending quality time with the child from morning to evening twice a month and thus, this writ petition is not maintainable.



6. The child aged around 5 years is admittedly in the custody of respondent. Through the impugned order the child is staying with petitioner twice a month from 10.00 a.m. to 06.00 p.m. Petitioner seeks overnight custody of the child during such visits and also custody during vacation.

7. Unlike adults, children tend to stay in the same atmosphere and surroundings. A child of 5 years on opening his eyes in the morning should not feel confused or surprised to see himself in a new place other than the place of his ordinary stay. If the stay is continuous at least for certain period like week or two, it is different. But occasionally staying at a different place overnight for a child of 5 years old, it may cause tremendous stress and adverse impact on his well being. Admittedly, as submitted by both the learned counsel, parties are interested in well being of the child. That being the case, parties should also see that child is comfortable. On going through the impugned order, this Court is of the view that Family Court



taking into consideration all the facts and circumstances of the case took a right decision in respect of the visitation rights. This Court therefore does not find any grounds for interference. Hence, writ petition is disposed of with the following:

ORDER

- (i) Writ petition as well as I.A.No.1/2026 are dismissed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS
CT:TSM
List No.: 1 Sl No.: 9