IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.35911 OF 2025 (GM-FC)

BETWEEN:

SHRI. MAYUR NAYAK
SON OF SHRI A. RAGHUPATHI NAYAK,
AGED ABOUT 45 YEARS,
RESIDING AT MF 1/2,
B.D.A. FLATS, CAMBRIDGE LAYOUT,
BENGALURU-560 008.

...PETITIONER

(BY SMT. GEETHA DEVI M.P.,ADVOCATE)

AND:

SMT. H. APARNA PAI
DAUGHTER OF SHRI H. NARASIMHA PAI,
WIFE OF SHRIMAYUR NAYAK,
AGED ABOUT 43 YEARS,
RESIDING AT NO.73,
MIG NITYANAND,
KHB COLONY, 17TH 'F' MAIN,
5TH BLOCK, KORAMANGALA,
BENGALURU-560 095.

...RESPONDENT

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

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS IN G AND WC NO.349 OF 2022 ON THE FILE OF THE V ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU AND TO MODIFY THE ORDER DATED 26.09.2025 ON I.A.NO.12 IN G AND WC NO.349 OF 2022 ON THE FILE OF THE V ADDITONAL PRINCIPAL JUDGE, FAMILY COURT,BENGALURU VIDE ANNEXURE-A AND GRANT OVERNIGHT ACCESS OF THE MINOR CHILD ON ALL THE HOLIDAYS DURINGS THE SCHOOL TERM ON THE DATES MENTIONED AS SOUGHT FOR IN I.A NO.12 EVERY YEAR TILL THE DISPOSAL OF THE PETITION IN GWC NO.349 OF 2022, ON THE FILE OF V ADDITIONAL PRINCIPAL JUDGE FAMILY COURT AT BENGALURU AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 17.03.2026 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 under Article 227 of the Constitution of India seeking to modify the order dated 26.09.2025 passed on I.A.No.12 in G & WC No.349/2022 by the V Additional Principal Judge, Family Court, Bengaluru (‘the Family Court’ for short) and grant overnight access of the minor child on all the holidays during school term on the dates mentioned in as sought for in IA No.12 every year till the disposal of the petition in G & WC No.349/2022, on the file of the Family Court.

2. The petitioner is the biological father of the minor child Master Samvit Nayak, aged about 11 years. The respondent is the mother. The dispute pertains to custody and visitation rights of the minor child.

3. The brief facts leading to the filing of the petition are that:-

The parties were married on 28.02.2010 and out of the wedlock, the minor child was born on 15.09.2014. It is the case

of the petitioner that he has actively participated in the upbringing of the child since birth and shares a strong emotional bond with him.

4. Due to matrimonial disputes, the respondent left the matrimonial home along with the child on 30.07.2022. Thereafter, several proceedings came to be initiated before the Family Court. The petitioner was initially granted limited visitation, which was subsequently modified by this Court in W.P.No.14708/2024 c/w. W.P.No.4376/2024 by granting overnight custody on 1st and 3rd Saturdays and visitation 2nd and 4th Saturday between 9.00am to 7.00pm, apart from 50% custody during summer vacations, Dasara vacations and winter vacations.

5. The petitioner thereafter filed I.A.No.12 before the Family Court seeking overnight custody during mid-term school holidays. The Family Court, by the impugned order, allowed the application only in part by granting access for two days during Deepavali and rejected the prayer for remaining holidays.

6. Aggrieved by the impugned order passed on IA No.12, the petitioner has filed the present petition before this Court.

7. The learned counsel for the petitioner would contend that the Family Court has failed to assign any reasons for denying access during the remaining school holidays and that such denial is contrary to the welfare of the child. It is further contended that the child shares a strong bond with the petitioner and is desirous of spending time with him.

8. *Per contra*, learned counsel for the respondent seeks to justify the impugned order by contending that the petitioner has already been granted sufficient visitation and that further access would disturb the routine of the child.

9. Heard the learned counsel for the parties and perused the material on record.

10. This Court has given anxious consideration to the submissions made by the learned counsel for the parties and perused the material on record.

11. At the outset, it is to be noted that in matters relating to custody and visitation of a minor child, the paramount consideration is the welfare and best interest of the child and not the rights of the parents. The child is entitled to the love, care and companionship of both parents, unless there are compelling circumstances to deny such access.

12. In the present case, it is not in dispute that the petitioner has been actively involved in the upbringing of the child and that there exists a bond between the father and the child. This Court, in earlier proceedings, has already recognized the said bond by granting overnight custody on alternate weekends and 50% of Dasara, winter and summer vacations.

13. In the above background, the issue that falls for consideration in the present petition lies in a narrow compass, namely, whether the Family Court was justified in restricting the petitioner's claim for additional overnight custody during the mid-term school holidays.

14. Before adverting to the facts of the present case, it is necessary to note that in matters of custody and visitation, the paramount consideration is the welfare of the child. In order to bring about consistency and a child-centric approach in such matters, structured guidelines governing child access, custody and parenting plans have been evolved.

15. The High Court of Karnataka, by order dated 15.12.2025, has directed that the "Child Access and Custody Guidelines along with Parenting Plan, 2025", which were formulated upon extensive stakeholder consultation and accepted by the High Court of Calcutta, shall be circulated and

applied by all Family Courts in the State until appropriate rules are framed. The said guidelines, therefore, furnish the governing framework for regulating custody and visitation.

16. The said framework contemplates a structured distribution of parenting time, broadly recognizing (i) regular and periodic access, including weekend visitation, (ii) equitable sharing of major school vacations, ordinarily to the extent of 50%, and (iii) limited but meaningful access during festival periods and shorter breaks. The underlying objective is to secure continued parental bonding while ensuring stability in the child's routine and academic schedule.

17. In the case on hand, it is not in dispute that the petitioner–father has already been granted overnight custody on 1st and 3rd Saturdays, visitation on 2nd and 4th Saturdays, and 50% custody during summer, Dasara and winter vacations pursuant to earlier orders of this Court in W.P.No.14708/2024 c/w. W.P.No.4376/2024. The said arrangement is consistent with the structured allocation of parenting time contemplated under the aforesaid guidelines.

18. The grievance of the petitioner pertains to additional overnight custody during mid-term or short school holidays. The framework governing custody distinguishes such

short breaks from long vacations and envisages limited intervention during these periods so as to avoid disruption of the child's routine. Festival access, in particular, is structured to ensure that the non-custodial parent has meaningful interaction without unsettling continuity.

19. In the present case, the Family Court has granted the petitioner access for two days during Diwali. The said arrangement ensures that the petitioner is able to spend time with the child during an important festival period and aligns with the structured approach governing festival access.

20. The existing custody arrangement already secures substantial and continuous parenting time in favour of the petitioner, including regular overnight access and equal sharing of major vacations. Grant of further overnight custody during every short academic break is not contemplated within the structured framework and may lead to fragmentation of the child's routine.

21. It is also observed that the minor child is aged about 11 years and is at a stage where continuity in schooling, daily routine and emotional stability assumes significance. In the absence of any material to demonstrate that the present arrangement adversely affects the child's welfare or that

additional custody during short holidays is necessary to preserve the parental bond, no case for interference is made out.

22. The contention that the impugned order does not contain elaborate reasons has been considered. However, the order, when read in the context of the existing visitation structure and the relief granted therein, reflects a balancing of relevant considerations in conformity with the governing framework. It cannot be said that the Family Court has failed to exercise jurisdiction or has acted contrary to the welfare of the child.

23. It is trite that the supervisory jurisdiction of this Court under Article 227 of the Constitution of India is limited. Interference is warranted only when there is patent perversity, lack of jurisdiction, or gross injustice. In matters of custody and visitation, where discretion is exercised in consonance with the governing framework and welfare considerations, this Court would not interfere to substitute its own view unless the order is demonstrably arbitrary.

24. In the present case, the Family Court has neither acted arbitrarily nor ignored relevant considerations. On the contrary, the arrangement fashioned by it ensures that the

petitioner continues to have substantial access to the child, including during major vacations and festival periods.

25. In that view of the matter, this Court is of the considered opinion that the Family Court has exercised its discretion in a manner that subserves the welfare of the minor child as per the Child Access & Custody Guidelines Parenting Plan, 2025 by the Hon'ble High Court of Calcutta.

26. Accordingly, the writ petition fails and is ***dismissed***.

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

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