IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 06TH DAY OF NOVEMBER , 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 8390 OF 2026 (GM-FC)

BETWEEN:

SMT. FAHIM TAJ S.,
D/O KHALEEM ULLA,
W/O JAVEED PASHA
AGED ABOUT 38 YEARS.
R/AT NO.25. 8TH CROSS, KEMPEGOWDA LAYOUT.
RK HEGDE NAGAR,
BANGALORE - 560077.

PRESENTLY AT
NO.17, 13TH CROSS,
KALANAGAR, KAMMANAHALLI,
JALAHALLI WEST,
BANGALORE-560 015.

...PETITIONER

(BY SRI. SENTHIL KUMAR D.U.,ADVOCATE)

Digitally signed by AASEEFA PARVEEN
Location: HIGH COURT OF KARNATAKA

AND:

SRI JAVEED PASHA
S/O MOHAMMED RAFI,
AGED ABOUT 42 YEARS,
R/AT NO 18, 4TH CROSS,
EX-SERVICEMEN LAYOUT,
R.K.HEGDE NAGAR,
BANGALORE - 560 077.

...RESPONDENT

(BY SRI. AKBAR PASHA, ADVOCATE FOR
SRI.JAVEED S., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF

CERTIORARI OR ANY OTHER APPROPRIATE WRIT QUASHING THE ORDER DATED 19.12.2025 IN G AND WC NO.152/2024 PASSED BY THE HON'BLE III ADDL. PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, WHEREBY IA NOS. 7 AND 8 FILED BY THE RESPONDENT UNDER SECTION 151 CPC READ WITH SECTION 12 OF THE GUARDIAN AND WARDS ACT WAS PARTLY ALLOWED, VIDE ANNEXURE A.

THIS PETITION, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON ***16.10.2026*****,** COMING ON THIS DAY, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CAV ORDER

This writ petition is filed seeking the Court to issue a writ of certiorari and to quash the order that is passed by the Court of III Additional Principal Judge, Family Court, Bengaluru, on IA Nos.7 and 8 in G&WC No.152/2024 dated 19.12.2025.

2. Heard Sri.Senthil Kumar D.V., learned counsel for the petitioner as well as Sri.Akbar Pasha, who represented Sri.Javeed S., learned counsel on record for the respondent.

3. Respondent who is father of the minor child by name Usman Hyder, sought Family Court to grant interim custody of said child. Mother, who is the petitioner herein, resisted the claim of such custody on the ground that respondent/father did not evince any interest in the welfare of the child and therefore, he has no right to seek custody through the impugned order. Family Court granted temporary custody.

4. The operative portion of the common order passed in those two Interlocutory Applications is as under:

> *"The IA No.7 and 8 filed by the petitioner Under Sec. 151 of CPC R/w Sec.12 of Guardian & Wards Act, are hereby partly allowed.*
>
> *The interim custody is granted as under;*
>
> *The Petitioner is granted temporary custody of the child for first 5 days after commencement of the vacation in every December and the petitioner has to send back the child towards the house of the Respondent after 5 days of the temporary custody.*
>
> *The Petitioner is entitle for 10 days of temporary custody of the child during every summer vacation and send back the child to the house of the Respondent after 10 days.*
>
> *The Petitioner has to take care of the child during his temporary custody. The*

Respondent is entitle to make video call during the temporary custody at least once a day for 30 minutes as convenience to both the parties and the child.

Further, the Petitioner is entitle to visit the child in any common place on the birthday of the child and during festivals for two hours as per the convenience of the time. The Respondent has to cooperate for the visitation rights."

5. The submission of learned counsel for the petitioner is that granting temporary custody is undesirable as the child intends to live with the petitioner/mother. Learned counsel also stated that interim custody causes emotional disturbance to the child and further the academic activities of the child will get disturbed. Learned counsel also contended that the impugned order lacks reasoning. Learned counsel thereby sought to set aside the impugned order.

6. On the other hand, learned counsel for respondent submitted that respondent/father is having every right to look after the welfare of his son and to take care of him. Learned counsel also stated that in case interim custody is not granted, the child will lose the

bondage and thereby both the child and the respondent will be at irreparable loss. Learned counsel thereby requested the Court to dismiss the writ petition.

7. Gone through the contents of the impugned order as well as the material brought on record. Family Court taking into consideration the version projected by both parties granted interim custody of the child for five days during winter vacation and ten days during summer vacation. Also, Court allowed respondent/father to visit the child at any common place on the birthday of the child and during festivals for two hours. Admittedly, the arrangement made through impugned order will be till the disposal of the main case. This Court does not find any infirmity in the decision taken by the Family Court granting interim custody of the child during vacation and during birthday and festivals. Therefore, this Court is of the view that there are no reasons to interfere with the impugned order.

8. Resultantly, following

ORDER

The writ petition is dismissed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

AP
CT:TSM