HC-KAR

NC: 2026:KHC:61353
WP No. 17548 of 2026

CNR: KAHC010382522026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 17548 OF 2026 (GM-FC)

BETWEEN:

MR. SYED ISMAIL RUMAN
S/O MR. SYED FAZLU REHMAN
AGED ABOUT 28 YEARS
R/AT NO. 02, CHUNA SHOP LINE
ABN GAS BUNK, HIDAYATH NAGAR
K.G. HALLI,
BANGALORE-560 045

...PETITIONER

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

AND:

1. MR. SYED NAYAZ
SON OF NOT KNOWN
AGED ABOUT MAJOR

2. MRS. JABEEN BANU
WIFE OF MR. SYED NAYAZ
AGED ABOUT MAJOR

BOTH ARE R/AT NO. 286,
6TH CROSS GANGONDANAHALLI,
ARUNDATHINAGAR
BANGALORE-560 039

...RESPONDENTS

(BY SMT.LAKSHMIDEVI K., ADVOCATE FOR
SRI. GOVINDARAJU K., ADVOCATE)

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI BY SETTING ASIDE/ QUASH THE IMPUGNED ORDER DATED 07-03-2026 PASSED BY THE LEARNED IV ADDL. FAMILY COURT BANGALORE, IN G AND W.C NO. 9 OF 2022, ON MEMO FILED BY THE RESPONDENTS, WHICH IS MARKED AS ANNEXURE- H.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the orders passed in G & WC.No.9/2022 dated 07.03.2026 by the IV Addl. Family Court, Bangalore, whereby the Court has observed that the RW1 is present and is cross-examined by the petitioner counsel in full. Respondent counsel filed a memo to discard the evidence of RW2 on the ground that she is suffering from hearing impairment. Hence, for the reasons stated in the memo evidence of RW2 is discarded.

2. Learned counsel appearing for the petitioner submits that the respondent was examined at length, and when the matter was posted for arguments, only a memo was filed. The Family Court, without even looking at any of the aspects,

simply, on the basis of the memo, discarded the entire evidence, which is bad in law, and the same needs to be set aside.

3. Learned counsel appearing for the respondent submits that the respondent is a person with a disability and, as such, filed an application that was considered by the court and there are no reasons to interfere.

4. Having heard the learned counsels on either side, perused the entire material on record. After the entire evidence was recorded, the court, without going into any of the merits of the matter, whether such a memo could be considered or not, passed this order simply by filing a memo stating that the entire evidence had to be discarded. Hence, the impugned order needs to be set aside as it is bereft of reasons and there is no application of mind.

5. In that view of the matter, this court is passing the following:

ORDER

i. The order dated 07.03.2026 is ***set aside***, and the respondent is at liberty to file an appropriate application seeking relief as sought.

ii. The Family Court, after giving due opportunity to both the parties, shall pass appropriate orders. The entire exercise shall be completed within 15 days from the date of receipt of the copy of the order.

iii. Accordingly, the writ petition is ***allowed.***

iv. Pending IAs., in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS
List No.: 2 Sl No.: 18
MR