HC-KAR

NC: 2026:KHC:60491
WP No. 17322 of 2026

CNR: KAHC010383012026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 17322 OF 2026 (GM-FC)

BETWEEN:

SMT. ANITHA AMRUTHAVASAGAN
ALIAS ANITHA D SOUZA
AGED ABOUT 49 YEARS
W/O MR. JOEL MELROY D' SOUZA
R/AT FLAT NO.006,
SKYLARK SMR RESIDENCY,
JAGADISH NAGAR
BENGALURU -560 075

...PETITIONER

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

AND:

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

SRI. JOEL MELROY D' SOUZA
AGED ABOUT 45 YEARS,
S/O MR. RAPHEL D'SOUZA
RESIDING AT L-2,
GARDEN VIEW APARTMENT
NO.65, 2ND MAIN,
3RD CROSS, SG PALYA ROAD,
CV RAMAN NAGAR
BENGALURU -560 093

...RESPONDENT

(BY SRI. JAMES P ARUN KUMAR, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER DATED 15.04.2026 PASSED ON IA NO. 13 FILED BY THE PETITIONER UNDER ORDER 6 RULE 16 READ

WITH SECTION 151 OF CPC READ WITH SECTION 10 (3) OF THE FAMILY COURTS ACT FOR STRIKING OUT THE REMARKS MADE AGAINST PETITIONERS COUNSEL IN G AND WC NO. 328/2022 VIDE ANNEXURE-G.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 15.04.2026 passed on I.A.No.13 in G &WC No.328/2022 by the V Additional Principal Judge, Family Court, Bengaluru, the mother is before this Court.

2. The petitioner herein filed an application seeking to strike out certain words, the counsel stated in 5th line of para No.4 and last line of para No.6 of the affidavit accompanying I.A.No.12. The Family Court had passed an order running into several pages. The Court from para No.9 to para No.10 has extracted the case of the respective parties. Then para No.11 till para No.24, the Family Court had discussed about the judgments that were relied on by the parties. Coming to para No.25, the Family Court observed that on perusal of the entire material on record, at this stage, the Court is of the opinion that since petition No.1 has clearly stated that the words stated

in the affidavit annexed to I.A.No.12 sought to be struck off are relevant and true, it is not proper to strike them out. Accordingly, the Family Court has passed an order.

3. Learned counsel appearing for the petitioner submits that, in disputes pending between the parties, advocates cannot be dragged in, and no allegations can be made against the advocates. When the matter came up on the last occasion, learned counsel appearing for the respondent submitted that the counsel appearing for the wife was not behaving appropriately in Court. This Court then called for a report from the concerned learned Judge. The learned Judge placed the report before the Court, stating that she had never noticed any inappropriate behaviour. Learned counsel for the petitioner submits that the order is bereft of reasons.

4. Learned counsel for the respondent submits that the family Court has elaborately discussed the judgments and given the reasons at para No. 25. The Court has looked at the earlier order that was passed, which would clinch all the issues and make it very clear the behavior of the counsel. Further, it is submitted that when a party has filed a petition based on the

facts, unless and until it is scandalous, no Court can direct the party to delete the same. It is further submitted that the order passed by the Family Court is a well-reasoned order and no interference is called for.

5. Having heard the learned counsel on either side, perused the material on record. This Court has perused the order. Certain allegations are made against the counsel representing the mother, and when an application is filed seeking to delete those allegations against the advocate, the Family Court discussed the judgments and dismissed the application. This Court is unable to understand the reasoning given by the Court. In light of the allegations made against the advocate, unless and until the Family Court considers and gives proper reasoning why it cannot be deleted, it becomes a practice in every case for every party to make allegations against the advocate, and eventually it will become very difficult for the advocates to practice. Hence, this is an important aspect that needs to be considered by the Court, and further, the reasoning is the heartbeat of any order. In the considered opinion of this Court, the order passed by the

Family Court is bereft of reasons. Accordingly, this Court is passing the following:

ORDER

i. The order dated 15.04.2026 passed on I.A.No.13 in G &WC No.328/2022 by the V Additional Principal Judge, Family Court, Bengaluru is ***set aside*** and the matter is ***remanded back*** to the Family Court for consideration.

ii. The Family Court shall pass a reasoned order basing on the materials availed before the Court.

iii. All the contentions are left open.

iv. Pending IAs., if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 1 Sl No.: 31
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