HC-KAR

NC: 2026:KHC:60597
WP No. 23666 of 2026

CNR: KAHC010513122026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 23666 OF 2026 (GM-FC)

BETWEEN:

MR. AFZAL MUSTAQUE PAWASKAR,
S/O MUSHTAQUE PAWASKAR,
AGED ABOUT 39 YEARS,
AADHAR CARD: 4867 1045 9265,
R/O. FLAT NO.116, A BLOCK,
SAI GARDEN APARTMENTS,
KEMPAPURA MAIN ROAD,
NARAYANAPPA GARDEN, YEMLUR,
BENGALURU - 560 037.

...PETITIONER

(BY SRI. SWAROOP S., ADVOCATE)

AND:

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

MRS. POTHARAJU ARCHANA SUBHADRA,
W/O AFZAL MUSHTAQUE PAWASKAR,
D/O P D V PRASADA RAO,
AGED ABOUT 36 YEARS,
AADHAR CARD: 6901 8712 3117,
R/O. 55-23-55, MIG-71,
H B COLONY,
NEAR SIVALAYM TEMPLE,
VISAKHAPATNAM,
ANDHRA PRADESH - 530 022.

FLAT NO.116, A BLOCK,
SAI GARDEN APARTMENTS,
KEMPAPURA MAIN ROAD,
NARAYANAPPA GARDEN, YAMLUR,
BENGALURU - 37.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO THE FACTS AND CIRCUMSTANCES OF THE PRESENT CASE, INTERFERENCE OF THIS HONBLE COURT IS NECESSARY TO PROTECT THE WELFARE, SAFETY, EMOTIONAL WELL-BEING, AND LAWFUL RIGHTS OF THE MINOR CHILDREN AS WELL AS THE PARENTAL RIGHTS OF THE PETITIONER; A. QUASHING THE ORDER DATED 04.07.2026 PASSED IN G. AND W.C. NO.221/2026 ON IA NO.7 (ANNEXURE-A) PASSED BY 4TH ADDITIONAL FAMILY COURT, BENGALURU AND ETC.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed questioning the order dated 04.07.2026 passed in G & WC.No.221/2026 on IA Nos.7 and 8, passed by the IV Additional Principal Judge, Family Court, Bengaluru, and to direct the Family Court to decide the IAs within a time frame fixed by the Court. The petitioner/husband is before this Court.

2. Learned counsel appearing for the petitioner submits that the applications were filed on 04.07.2026 and were not

decided by the Court; hence, there may be a direction to the Family Court to consider those IAs expeditiously.

3. The learned counsel further submits that for the past 6 months, he has not known the child's whereabouts. The petitioner has served notice on the respondent by email, and the respondent/wife appeared online.

4. Respondent/wife stated that she is unemployed and that the husband is circulating her photos everywhere. She is living in Hyderabad with her parents. If she comes to Bangalore, her life is at risk. Further, as she is not in a position of afford an Advocate, if the court appoints an advocate from the Legal Services Authority, she will be able to prosecute the matter. The respondent-wife further submits that the father has never attempted to meet the child and that she has no objection if the father wants to have any video call access with the children.

5. Having heard the learned counsel on either side, perused the material on record. This court is passing the following:

ORDER

i. The wife shall appear before the Trial Court on 06.11.2026. On that day, based on her request, the Court shall take appropriate steps and appoint an advocate from the Legal Services Authority to defend the respondent.

ii. The husband shall not circulate photographs of the wife and shall not create any inconvenience for the wife in pursuing her legal remedies before the court.

iii. Until further orders are passed by the Family Court, the father may call the mother every day and have video call access with both the children, and the mother shall facilitate it.

iv. The Trial Court, after appointing an Advocate and after providing necessary legal assistance to the respondents, shall expeditiously decide the application.

v. Accordingly, the writ petition is ***disposed of***.

vi. All the contentions are kept open.

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

SD/-
(LALITHA KANNEGANTI)
JUDGE

BH
List No.: 2 Sl No.: 10
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