HC-KAR

NC: 2026:KHC:60061
WP No. 30200 of 2026

CNR: KAHC010662772026

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. 30200 OF 2026 (GM-FC)

BETWEEN:

MR. NOOR ALI
S/O. MR. ISHAQ OOMER SAHEB,
AGED ABOUT 45 YEARS,
R/AT FLAT NO. 2,
ISPAHANI HOUSE NO. 3,
MYRTLE LANE,
RICHMOND TOWN,
BENGALURU--560 025

…PETITIONER

(BY SRI. MR.NOOR ALI, PARTY-IN-PERSON)

AND:

MRS. SAMA ADIL
W/O. MR. NOOR ALI,
AGED ABOUT 43 YEARS,
R/AT NO. 305, PRESTIGE SILVER OAK,
ECC ROAD, WHITEFIELD,
BENGALURU-560 066

…RESPONDENT

(BY SRI.IAN LEWIS, ADVOCATE)

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO STAY THE OPERATION OF THE IMPUGNED ORDER ANNEXURE-A ORDER DATED 15TH SEPTEMBER, 2026, IN G AND WC NO.53/2021, PASSED BY THE 2ND ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU.

CNR: KAHC010662772026

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 25.09.2026, COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CAV ORDER

Aggrieved by the order dated 15.09.2026 passed on I.A. filed under Section 43(2) of G&WC Act read with Section 7 of the Family Courts Act in G&WC.No.53/2021 by the II Additional Senior Civil Judge, Bengaluru Rural District, Bengaluru, the petitioner/father is before this Court.

2. The parties are referred to as father and mother for the sake of convenience.

3. The father has filed the I.A. under Section 43(2) of the G&WC Act read with Section 7 of the Family Courts Act to permit and direct change of the minor child's school from the current Deens Academy, Whitefield, to Greenwood High International School, Sarjapur Road, in the paramount welfare and growth of the child. It is the case of the father that an application was filed before the Court to change the minor's school, and the same was dismissed by the Court. Aggrieved by

the said order, he filed WP.No.14996/2024 C/w WP.No.18705/2024, wherein the High Court of Karnataka observed that, for the time being, it did not grant permission to change the minor child's school from Deens Academy, Whitefield, to Greenwood High International School, Sarjapur Road, on the ground that the child was in a safe and secure environment. Therefore, under the changed circumstances, the father filed the present application. It is stated that within the span of 1 year, there has been a visible and substantial increase in the child's maturity, confidence, emotional development, and independent thinking. Considering the present level of maturity and development of the child, Greenwood High International School would now be an ideal educational environment for the minor child. The school offers international curricula, including ICSE and IB programmes, and provides extensive academic infrastructure for the benefit of its students. Greenwood High International School has a school library with more than 15,000 books across a range of subjects and has three individually designed science laboratories for Biology, Chemistry, and Physics. Students from the IB

programme have consistently secured exceptional scores and are placed at globally reputed universities. Greenwood High International School focuses on developing students into inquiring, knowledgeable, principled, reflective, and globally aware individuals capable of responding to modern global challenges. In matters concerning the custody, education, and upbringing of the child, the welfare of the child is of paramount consideration and must override all other considerations. The quality of education and overall academic exposure presently are not available to the child. Several children residing in Prestige Silver Oak, as well as children residing in and around ECC Road, where the minor child presently resides, are students of Greenwood High International School, and the school also operates a dedicated school bus route for the ECC Road area. Under these circumstances, the father prays for the permission of the Court to change the school of the minor from Deens Academy, Whitefield, to Greenwood High International School.

4. The mother has opposed the application, stating that the present controversy has already been agitated before the

Court in I.A.No.1 dated 04.03.2024, which was rejected by the Court on 27.04.2024. The said order was challenged in WP.No.14996/2024, wherein the High Court, vide its oral order dated 20.02.2025, had rejected the writ petition. Mere passage of time does not constitute changed circumstances. In the light of the observation of the High Court, the petitioner ought to have taken it up in a different forum and ought not to re-agitate the same before this Court. The minor is presently very comfortable at Deens Academy, which is located 900 meters from his residence. The short commute to school and back fits in with the minor' s weekly schedule and his focus on football and sports. The proposed school is 15 km away from the minor' s home. The father does not have the means to pay the high school fee of Greenwood High School. The present application has been filed to harass the mother and the minor. The mother and the minor had instituted a petition in Crl.Misc. No. 172/2020 on the file of the I Additional Chief Judicial Magistrate under the Domestic Violence Act. In those proceedings, the father did not have the means to maintain the minor child. The application is liable to be rejected, as neither the father nor the

mother can afford the school fees of the International School. The school fee for Greenwood High is bound to increase for the academic year 2027-28. Even a modest increase of 10% would place Greenwood High International School fee in the range of Rs. 6 lakhs, which is equivalent to the father' s declared income. Additional school fees such as books, shoes, and clothes are not included. The father turned these proceedings into a beauty contest between Greenwood High School and Deens Academy without any reference to the minor and without any care for his welfare. The comparison between the minor' s school, Deens Academy, and the proposed school, Greenwood High School, has no reference to the needs of the minor, which are all being met by the mother and the school in which he is presently studying. The minor has focused his extracurricular attention on the sport of football. The mother has made every arrangement for the minor to play this sport and has thereby prayed to dismiss the application.

5. The trial Court, by the impugned order, rejected the application. While rejecting the application, the trial Court observed that in the order dated 27.04.2024, the Court had

expressed its opinion with respect to not changing the school, stating that the current school is in the best interest of the minor child and that, since the mother of the minor child works in the school, it is just and proper for her to take care of the minor child's welfare. Despite this best-interest expressed by the Court, the father has again filed a similar application, urging contentions against the school authorities. A sudden shift from CBSE to ICSE syllabus would disrupt the study pattern already established. It is also relevant to note that the present school is just 900 meters away from the child's residence, while the proposed school is around 15 km from the child's residence. If a child of 9 years is shifted to a new school, most of the child's valuable time would be spent commuting, i.e., 30 km per day. A travel of 30 km for a child of 9 years in a metropolitan city like Bangalore would ultimately put the child under stress, fatigue, and further disinterest. Therefore, the idea of a change of school is not suitable for the child's upbringing and welfare. The child in the present school is performing well, as evidenced by the minor's report card submitted by the mother. The child in the present school is not

lacking in education or lagging behind in any co-curricular opportunities or activities. The present school is no less than the school proposed by the father. The father's allegation that the child is infected with an HPV-related infection cannot be accepted, for the reasons that such an infection would not be directly related to the school. The child would have come into contact with any public person, and hence the allegation that the child is infected with an HPV-related infection cannot be entertained. With regard to safety and the school environment, the father has alleged that the bus of Deens Academy was involved in a tragic road accident near the school premises, resulting in the death of a young motorcyclist, and that the bus driver was arrested in connection therewith. One incident of an accident cannot determine the school's safety measures. However, it is relevant to mention that the minor child is in the care and custody of the mother, and the minor child is taken care of by the mother not just at home but also on the school premises. Hence, the father's contention that he apprehends harm regarding the child's safety environment holds no water. The curriculum as studied in the present school by the minor

involves all subjects and activities that help the child in overall development. With respect to the minor's favorite sport, i.e., football, the mother has arranged classes for the minor child, and the child is very happy with the coaching undertaken by him.

6. The trial Court further observed that the father had stated that he would undertake the entire financial burden of the minor child's studies at the new school. It is relevant to note that the father in Misc.No.173/2020 has averred that he has no means to maintain the minor child and the wife. The school fee at Greenwood High is exorbitant, and in the event the father does not pay the fees, it would be the burden of the mother. Considering the financial capacity of both parties, coupled with the curriculum undertaken by the child at the present school and the distance of communication by the child, it is just and necessary for the child to continue at Deens Academy, Whitefield. Commutation in a metropolitan city is a major factor while considering the educational aspects. If the child spends most of the time traveling, a 9-year-old would end up exhausted and stressed, which is not good for a 9-year-old.

Hence, this Court is of the opinion that the father has not made out grounds for a change of school, and accordingly, the trial Court had rejected the application.

7. The petitioner/party-in-person submits that the trial Court failed to consider the change in circumstances while passing the impugned order. The trial Court grossly failed to take into consideration the growth, development, and welfare of the minor child. The Court also failed to consider the material records placed before it and proceeded to pass the impugned order. The Court overlooked the observations made by this Court in WP.No.14996/2024 and passed the order. It is submitted that the impugned order shows no consideration for the growth and development of the minor child and jeopardizes the entire future of the minor child. It is submitted that the father has explained, through a comparative table, how the Greenwood High International School and the Deens Academy differ in academic awards, sports infrastructure, football development, campus scale, and facilities. It is the case of the father that the acute inadequacy of the infrastructure of Deens Academy is not merely a matter of comparison on paper but

has been publicly acknowledged by the school's Principal. The school's ground is being used for parking vehicles, and, separately, the absence of a proper auditorium or covered facility required tents to be erected within the basketball court itself to conduct the school's orientation ceremony. The Greenwood High International School offers a materially superior academic, extracurricular, and developmental ecosystem for the welfare and holistic growth of the minor child, particularly for a child whom the Court itself has recognized as bright, attentive, and keenly interested in football.

8. It is submitted that all matters concerning the custody, education, and upbringing of a minor child, as well as the child's welfare, are paramount and must override all other considerations. It is submitted that the annual fee at Deens Academy for the current academic year is Rs.2,16,000/-, whereas the annual fee at Greenwood High International School is Rs.3,03,000/-. The difference in fee between the two schools is Rs.87,000/- per annum. The father is fully willing and financially capable of bearing the additional expenditure and

reiterates that the marginal increase in fee is wholly justified and warranted in view of the materially superior academic infrastructure. The party-in-person/father submits that the admission process for the forthcoming academic year is time-sensitive. The date for submission of application forms for the academic year is in August 2026. In the present circumstances, no prejudice whatsoever would be caused to the mother if the father is at least permitted to initiate and complete the admission application process for Greenwood High International School. According to the father, it would take only half an hour to reach the school.

9. The father has relied on the judgment of the Delhi High Court in case of ***Devika Mehra Vs. Prashant Prakash Sahni***[1], on paragraph No.25 which reads as follows:

> ***"25. On the other hand, I find that like his brother, the academic performance of Prithvi too has consistently declined ever since his parents separated. There is no gainsaying that if the children are nurtured in a happy family, they are more likely to grow up emotionally stronger and their academic performance is also likely to be better. Unfortunately, the parents, in the present case, are not able to resolve their differences because of which, the children have faced the***

[1] CM(M) 410/2021 & CM.Nos.19248/2021, 24766/2021, 26054/2021 dated 09.09.2021

> ***brunt of this separation - both emotionally and academically. However, it is encouraging to note that the performance of Pradeep has indeed improved at Charterhouse School after the initial teething problems. Insofar as Prithvi is concerned, not only has his academic performance at Vasant Valley School deteriorated but in fact, his teachers at the said school have, while observing that he was a well-behaved and respectful student, opined that he needed to get a lot more serious in class IX, where he was being promoted, so that he could reach his full potential. In my considered view, in the light of these remarks by teachers at the Vasant Valley School, it would, in fact, be in Prithvi's interest that his environment is changed, so as to enable him to reach his true potential and for doing so, this opportunity of studying at Charterhouse School alongwith his elder brother, who has not only settled well at the said institute but has also shown a marked improvement in his performance, would be ideal. I also fail to see as to how, merely because if Prithvi is allowed to go to U.K. to pursue his dream - which admittedly the respondent nurtured in him, the same would adversely affect the respondent's visitation rights when it is his own case that he travels all across the globe. On the other hand, it will be much easier for the respondent to meet both his children together at the same location."***

10. He relied on the judgment of the Apex Court in the case of ***Anjali Kapoor Vs. Raju Baijal***[2], on paragraph Nos.22 to 27 which reads thus:

> ***"22. Bearing these factors in mind, we proceed to consider as to who is fit and proper to be the guardian of the minor child Anagh in the facts and circumstances of this case. In the present case, the appellant is taking care of Anagh, since her birth when she had to go through intensive care in the***

[2] (2009) 7 SCC 322

hospital till today. The photographs produced by her along with the petition, which is not disputed by the other side would clearly demonstrate, the amount of care, affection and the love that the grandmother has for the child having lost only daughter in a tragic circumstances. She wants to see her daughter's image in her grand child. She has bestowed her attention throughout for the welfare of reminiscent of her only daughter, that is the minor child which is being dragged from one end to another on the so called perception of judicial precedents and the language employed by the legislatures on the right of natural guardian for the custody of minor child.

23. Anagh is staying with the appellant's family and is also studying in one of the reputed school in Indore. It must be stated that the appellant has taken proper care and attention in upbringing of the child, which is one of the important factor to be considered for the welfare of the child. Anagh is with the appellant right from her childhood which has resulted into a strong emotional bonding between the two and the appellant being a woman herself can very well understand the needs of the child. It also appears that appellant, even after her husband's demise, is financially sound as she runs her own independent business.

24. On the other hand, considering the evidence of the respondent, it seems to us that since he has borrowed money from several persons and since he has a meager income he may not be in a position to give comfortable living for the child . In spite of notices issued to him, he has not appeared before the Court personally or through his counsel which shows his lack of concern in the matter.

25. It is also brought to our notice that he has got married for the second time and has a child too, and the minor child might have to be in the care of step mother, specially the father being a businessman, he has to be out of the house frequently on account of his business.

26. Ordinarily, under the Guardian and Wards Act, the natural guardians of the child have the right to

> ***the custody of the child, but that right is not absolute and the Courts are expected to give paramount consideration to the welfare of the minor child. The child has remained with the appellant/grandmother for a long time and is growing up well in an atmosphere which is conducive to its growth. It may not be proper at this stage for diverting the environment to which the child is used to. Therefore, it is desirable to allow the appellant to retain the custody of the child.***
>
> ***27. In view of the above discussion, we allow this appeal and set aside the impugned order. We permit the appellant to have the custody of the child till she attains the age of majority. No order as to costs."***

11. He relied on the judgment of the Apex Court in the case of ***Sheoli Hati Vs. Somnath Das***[3], on paragraph Nos.19, 22 and 23 which reads thus:

> ***"19. Every child has right to proper health and education and it is the primary duty of the parents to ensure that child gets proper education. The Courts in exercise of parens patriae jurisdiction have to decide such delicate question. It has to consider the welfare of the child as of paramount importance taking into consideration other aspects of the matter including the rights of parents also. In reference to custody of a minor, this Court had elaborated certain principles in Thrity Hoshie Dolikuka vs. Hoshiam Shavaksha Dolikuka, (1982) 2 SCC 544, where this Court again reiterated that welfare of the child is of paramount importance. In paragraph No.17, following was laid down:***
>
> > ***"17. The principles of law in relation to the custody of a minor appear to be well established. It is wellsettled that any***

[3] Civil Appeal Nos.5388-5389/2019 dated 11.07.2019

matter concerning a minor, has to be considered and decided only from the point of view of the welfare and interest of the minor. In dealing with a matter concerning a minor, the Court has a special responsibility and it is the duty of the Court to consider the welfare of the minor and to protect the minor's interest. In considering the question of custody of a minor, the Court has to be guided by the only consideration of the welfare of the minor."

22. We, thus, are of the view that what is in the interest of the child depends on the facts and circumstances of each case and has to be decided on its own merits without adhering to any fixed formula or rule. The appeals being pending before the High Court, we are of the view that while deciding the appeals finally, High Court should also take into consideration subsequent materials which may be brought before it by the parties including the progress report of the child from Good Shepherd International School, Ooty. Learned counsel has also raised certain medical issues pertaining to the child. It is also open for the High Court to take decision on the said issues and if necessary to obtain medical reports as may be required. In so far as interacting with the child, the High Court during hearing of the appeals had already interacted with the child on many occasions and it is for the High Court to take a decision with regard to interacting with the child.

23. The reports received from Child Welfare Committee, Jharkhand and Good Shepherd International School, Ooty by this Court on 29.01.2019 and 02.02.2019 respectively be remitted to the High Court for consideration in sealed cover. After we closed the hearing on 01.07.2019, another report dated 08.07.2019 has been received from Good Shepherd International School, Ooty in sealed cover which has not been opened. Let all the above reports in a sealed cover be transmitted to the Jharkhand High Court by a special Messenger, to be considered in the pending first appeals."

12. Relying on these judgments, it is submitted that the paramount consideration of the day should be the welfare of the child, not the interest of the mother and there may be a direction to appear for the entrance exam scheduled for the next day and to change the school.

13. Learned counsel appearing for the respondent/mother submits that this application is filed only to harass the mother. It is submitted that the minor is presently very comfortable at Deens Academy, located 900 meters from his residence. The short commute to and from school fits the minor’s weekly schedule and his focus on football and sports. The proposed school is 15 km away from the minor's home. The father has no means to pay the high school fees. The father is employed in his father's retail business of ladies' clothing and apparel on Rest House Road, Bangalore. Learned counsel submits that in Crl.Misc.No.172/2020, the father averred that he did not have the means to maintain the minor child. It is stated that the shop is on Rest House Road, the father of the petitioner is the proprietor, and he is an employee. The apartment where he resides is owned by his sister, and the father has no other

immovable properties. The claim that the father's earnings are Rs.5,00,000/- per month is false. It is stated that the whole shop burnt down in 2022, and he lost all the stocks in the said fire. The father has declared his income as Rs.50,000/- per month, which is equivalent to the mother's income. The annual fee for the minor child in his first year would amount to Rs.5,54,400/- which is almost equal to the annual income declared by the father before the High Court. On this ground alone, the application is liable to be rejected. The father has produced self-serving printouts from the proposed school without any reference to the welfare of the minor. The affidavit filed in support of the application is full of brazen assertions of the superiority of Greenwood High International School as compared to Deens Academy.

14. Learned counsel appearing for the mother further submits that the mother is working in the school and the boy is performing well in both academic and extracurricular activities. It is submitted that the present application is filed only to harass the mother, and the trial Court rightly rejected it. It is

submitted that there are no reasons to interfere with the well-considered order passed by the trial court.

15. Having heard the party-in-person/father and the counsel appearing for the respondent/mother, perused the material on record. In the light of the arguments advanced before, the issue that falls for consideration before this Court is:

> ***"Whether the father desires to provide what he considers a better educational opportunity by itself is sufficient reason to direct the child to change schools, particularly when no deficiency in the existing institution has been demonstrated?"***

16. There can be no dispute that both parents are entitled to take an interest in their child's education and future. The father's concerns about securing better educational opportunities cannot be dismissed merely because the child is residing with the mother. Equally, the mother cannot insist on continuing at a particular institution solely because it is convenient to her. The Court must examine the proposal independently, keeping the child's welfare at the center of its consideration. In the landmark judgment of the Supreme Court

of India in the case of ***Mausami Moitra Ganguli Vs. Jayant Ganguli***[4], the Apex Court emphasized that the stability and the security of a child are essential for the full development of the children's talent and personality. In the case of ***Gaurav Nagpal Vs. Sumedha Nagpal***[5], the Hon'ble Supreme Court held that the welfare of the child must be understood in its widest sense and cannot be determined merely by financial resources or physical comforts.

17. Education undoubtedly plays an important role in shaping a child's future. However, the quality of education cannot be assessed merely by an institution's reputation, infrastructure, or fee structure. A child's progress also depends on the environment in which the child studies. The familiarity developed with teachers and classmates, the continuity of learning, and the support available at home are not insignificant considerations when the Court is called upon to decide whether an existing educational arrangement should be disturbed. In the present case, nothing on record demonstrates that the school where the child is presently studying is deficient

[4] (2008) 7 SCC 673
[5] (2009) 1 SCC 42

in academic standards, teaching facilities, or overall environment, nor is there material suggesting that the child is unable to progress academically or that continuing in the present institution would adversely affect the child's future. The father's belief that another institution would offer better prospects may be genuine, but such a belief alone cannot be a ground to change the child's school, nor can it justify judicial intervention.

18. Admittedly, the distance between the two institutions is another relevant consideration. According to the mother, the proposed school is 15 km away, and the child would have to commute 30 km everyday. The father offers a different view, but he also does not deny that it is away from the mother's place. This would require the child to travel a substantially greater distance every school day. The additional travel time, the transportation arrangements, and their possible effect on the child's daily routine cannot be ignored. A school may have excellent facilities, but those facilities must be considered alongside the practical circumstances under which the child would have to attend it. It is also significant that the mother is

employed at the institution where the child is presently studying. These circumstances do not confer upon her any preferential right to determine the child's education. They do, however, provide a practical advantage to the child. The mother's presence at the school facilitates coordination regarding the child's academic progress, school activities, and immediate requirements. When the child is residing with the mother, this arrangement also contributes to an orderly daily routine. There is no material suggesting that the existing arrangement has operated to the child's disadvantage. The Court is conscious that the parents naturally aspire to provide their children with the best possible education, yet a distinction must be drawn between an opportunity that appears more attractive to a parent and a change that is demonstrably beneficial to the child. Every institution may claim certain advantages over another. If such comparative claims alone were sufficient, a child's schooling could be repeatedly disrupted whenever a parent identifies an institution perceived to be better.

19. Changing schools involves more than securing admission to another institution. It entails adjusting to new teachers, classmates, academic expectations, and a different daily routine. Such a change may certainly be justified where circumstances warrant it. However, in the absence of any demonstrated inadequacy in the present school, this Court cannot consider the father's request. The petitioner has also offered to bear the expenses of the proposed institution. It is noted that the annual fees is approximately Rs.5,00,000/- and odd, whereas the income disclosed by the petitioner in his statement of assets and liabilities is approximately Rs.50,000/- per month. Even assuming that the father is financially capable of meeting the entire expenditure, the question is not merely whether he can afford the proposed education, but whether the change is necessary or beneficial to the child. Higher expenditure does not necessarily establish better educational outcomes. It is relevant to mention that the father's earlier request to change the child’s school was rejected, and the matter had also traveled to this Court. The subsequent liberty granted to the father to approach the Family Court for

reconsideration of the request cannot be understood as a determination that the child ought to be shifted to another institution. Such liberty enabled the father to place his request before the competent Court for consideration in accordance with law. It did not dispense with the requirement of establishing circumstances justifying a change in a child's existing educational arrangement.

20. The Family Court, having considered the child's circumstances, has declined to grant the relief sought. The jurisdiction of this Court under Article 227 of the Constitution of India is supervisory in nature. In the present case, the Family Court's decision rests on relevant considerations, with the child's welfare paramount. Hence, this Court finds no reason to interfere with the well-considered order passed by the Court. Before parting with the matter, it is necessary to observe that a child's education must not become another area of continuing disagreement between the parents. The child's schooling should provide stability and an opportunity to learn and grow, free from the uncertainties arising out of matrimonial discourse. Both parents undoubtedly desire a good future for their child.

What is required, however, is that the parents respond to the child's present needs and demonstrated interests rather than to differing expectations of what might be better. Hence, this Court is passing the following order:

ORDER

i. Accordingly, the writ petition is ***dismissed***.

ii. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 5
*MR