



R

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MRS. JUSTICE P SREE SUDHA**

**WRIT PETITION NO. 13050 OF 2026 (GM-FC)**

**BETWEEN:**

...PETITIONER

(BY SRI. SAILESH PUVVALA AND  
SMT. POOJA M KOORSE., ADVOCATES)

**AND:**

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE IMPUGNED ORDER DTD: 30.01.2026 AT ANX-A IN G AND WC NO.178/2025 PASSED BY THE PRINCIPAL JUDGE FAMILY COURT BENGALURU AND TO QUASH THE ENTIRE PROCEEDINGS IN G AND WC NO. 178/2025 AND ETC.





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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

**ORAL ORDER**

Learned counsel for the petitioner is present. In spite of service of notice, respondent-father did not turn up.

2. This writ petition is filed against the order dated 30.01.2026 passed by the Principal Judge, Family Court, Bengaluru, in G & WC No.178 of 2025.

3. The petitioner-mother, in this petition, has stated that marriage between herself and her husband was dissolved by a decree of divorce in M.C. No.1010 of 2023 as per the terms of memorandum of settlement entered between them before Karnataka Mediation Centre, Bengaluru, on 24.09.2024. She relied upon clause 3 of terms of the said document, in which respondent-father specifically gave up his visitation rights. The respondent-father also agreed petitioner as permanent custodian and guardian of the minor child, but he filed G & WC No.178 of 2025 without any *locus-standi* against the terms of the settlement agreed between both of them. As such, the



filing of G & WC itself is void *ab-initio* and it should have been dismissed as not maintainable by the Family Court at the threshold. It is further stated by petitioner-mother that, from the birth of the minor child till date, respondent-father has not made any effort to visit, care for or assume any parental responsibilities including financial support or emotional guidance.

4. It is stated by the petitioner-mother that marriage between petitioner and respondent was legally dissolved in MC No.1010 of 2023 on 26.09.2024 itself. The respondent-father renounced all the visitation rights, but he deliberately misrepresented the facts before the Family Court and obtained orders for visitation of minor child in G & WC No.178 of 2025 dated 30.01.2026. It is further stated that criminal complaint filed against respondent-father in CC No.18022 of 2023 under Sections 307, 498A, 506, 201 read with Section 34 of IPC was withdrawn in view of the settlement. It is also stated that respondent-father is already remarried, whereas the minor child is receiving excellent care and quality of education in a safe and nurturing environment free from exposure to any cruel



or adverse influences. He was enrolled in a reputed school receiving proper education, guidance and upbringing that fosters good values and culture. Therefore, the petitioner-mother requested this Court to set aside the order of the Family Court dated 30.01.2026.

5. Heard the arguments of learned counsel for the petitioner.

6. Admittedly, the marriage between petitioner-mother and respondent-father was dissolved legally in MC No.1010 of 2023 on 26.09.2024 itself. At the time of dissolution of marriage, the matter was referred to Mediation. After several negotiations, both parties entered into the terms of settlement, wherein the relevant point, i.e. the 3<sup>rd</sup> point, reads as follows:

*3. The petitioner and the respondent state that they have one son by name Samarth N. born on 26.07.2021, who is presently under the care and custody of the respondent-mother and the respondent-mother shall continue to be the permanent custodian and guardian of the minor child for which the petitioner-father has no objection. The petitioner-father gives up his visitation rights.*



7. Petitioner-mother has clearly stated that, the respondent-father has already remarried and he never shown any interest in upbringing the child. But the Family Court, without considering all those aspects, granted visitation rights to the respondent-father and also directed him to pay 50% educational expenses. Both the parties settled the matter before Mediation and father of the child voluntarily and cautiously given up his rights for visitation and, is not permitted to again commence litigation after one year. When he is not ready to take-up the responsibility of the child financially and emotionally, he can't interfere in the life of the child for visitation again. When he avoids duty, he can't get rights. It is stated by the petitioner-mother that she never sought for maintenance, but only asked the Family Court to declare her as the permanent custodian for the welfare of the minor child. Therefore, this Court finds that the order of the Family Court is not on proper appreciation of facts and is liable to be set aside.



8. In the result, the writ petition is allowed. The order dated 30.01.2026 passed by the Principal Judge, Family Court, Bengaluru, in G & WC No.178 of 2025, is hereby set aside.

**Sd/-**  
**(P SREE SUDHA)**  
**JUDGE**

CS  
CT:NR  
List No.: 2 Sl No.: 8