

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(M) 352/2026 CM(5234/2026).

Zainab Gowhar Th. Her Mother.

...Applicant(s)/Petitioner(s)

Through: Ms. Rahilla Khan, Assisting Counsel vice
Mr. Mohsin S Qadri, Senior AAG.

VERSUS

Gowhar Rasool Bhat.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
11.08.2026

1. Heard in part.
2. This case affords an opportunity to this Court to examine the scope of section 13 read with section 10 of the Family Courts Act, 1984, in the light of the judgments of the High Court of Karnataka in “*High Court of Karnataka v. State of Karnataka*” and “*Mrs. Komal S. Padaukone v. Principal Judge, Family Court at Bangalore City & Anr.*” reported in AIR 1999 Karnataka 427, so as to ascertain how the conduct of proceedings relating to disputes under the Family Courts Act, 1984 before a Family Court can be made more litigant-friendly without compromising the role of legal consultation and counselling.
3. The petitioner is a minor daughter of the respondent.

4. The petitioner, acting through her mother, has invoked section 144 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking maintenance for herself from her father.
5. In this regard, the petitioner has initiated proceedings before the Court of the Additional Judge Family Court (4th Additional District Judge), Srinagar.
6. Learned counsel for the petitioner submits that the manner of conduct of proceedings in general before the Family Court is not very encouraging and tends to be more mechanical in approach rather than being litigant-friendly.
7. In this regard, learned counsel for the petitioner submits that requiring the appearance of a minor petitioner in person along with her guardian mother on each and every date of hearing, or for that matter on any date of hearing when no effective purpose is to be served on the given date, is causing concern to the petitioner as well as her guardian.
8. According to the learned counsel, such insistence has the effect of generating frustration to the extent of compelling them to abandon the cause merely to escape the rigour of repeated appearances before the Court.
9. Send for the scanned record of **File No. 244/Petition, CNR No. JKSG010017212025** in the case titled “**Zainab Gowhar Vs. Gowhar Rasool Bhat**” from the Court of Additional Judge, Family Court (4th Additional District Judge), Srinagar.

10. The Registrar Judicial, Srinagar to ensure the requisition record is received positively by or before next date of hearing.
11. List in continuation on **21st August, 2026.**

(RAHUL BHARTI)
JUDGE

SRINAGAR
11.08.2026
Bisma Jan.

