



CNR: KAHC010327112026

NC: 2026:KHC:41997
WP No. 15549 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 15549 OF 2026 (GM-FC)

BETWEEN:

...PETITIONER



(BY SRI. SHAHNAWAZ M. MAMADAPUR, ADVOCATE)

AND:



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...RESPONDENT

(BY SRI. SUDHINDRA BHAT, ADVOCATE C/R)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (A) TO ISSUE OF A WRIT OF MANDAMUS OR OTHER APPROPRIATE WRIT TO CALL FOR THE RECORD IN G AND WC NO.460/2024 ON THE FILE OF PRINCIPAL JUDGE FAMILY COURT AT BANGALORE AND SET ASIDE THE ORDER DATED 10-03-2026 (ANNEXURE-J) VIDE I.A. NO.8 AND ORDER PSYCHOLOGICAL ASSESSMENT FOR MINOR KIDS [REDACTED] AT NIMHANS TO EVALUATE THE EXTENT/IMPACT OF PARENTAL ALIENATION THEY HAVE BEEN SUBJECTED AT THE HANDS OF THEIR MOTHER AND MATERNAL GRANDPARENTS AND ETC.,

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



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ORAL ORDER

Heard Sri.Shahnawaz.M.Mamadapur learned counsel for the petitioner as well as Sri.Sudhindra Bhat learned counsel for the respondent.

2. Seeking the Court to set aside the order passed by the Court of Principal Judge, Family Court, Bangalore on I.A No. VIII in G&WC No.460/2024 dated 10.03.2026, this writ petition is filed.

3. Petitioner/father filed an interlocutory application which came to be numbered as I.A VIII seeking following relief:-

"To grant psychological assessment for minor kinds [REDACTED] at NIMHANS to evaluate the extent/impact of parental alienation they have been subjected at the hands of their mother and maternal grandparents and the emotional abuse or trauma thus suffered by them, and to provide therapy or counselling recommendations for the minor kids, as well as their parents and grandparents".



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4. Family Court rejected the relief sought for by dismissing the interlocutory application and aggrieved by the same, this writ petition is filed.

5. Undisputed facts of the case are as under:-

- i. Marriage between petitioner/father and respondent/mother was solemnized in the year 2015 as per Hindu Rights and Customs.
- ii. They gave birth to twin babies, a girl by name [REDACTED] and boy by name [REDACTED] in the year 2020.
- iii. Thereafter differences arose between them and thus they started residing separately since 2024.
- iv. Children remained under the custody of respondent/mother.
- v. Thereafter respondent/mother filed G&WC No.423/2024 seeking the Court to appoint her as the guardian of the children.



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vi. Petitioner/father filed G&WC No.460/2024 seeking the Court to appoint him to be the guardian of the children.

vii. Both the cases were clubbed and proceedings in both the cases are in progress. Both parties filed several interlocutory applications seeking different reliefs.

6. Arguing that the petitioner is entitled to the relief sought for through I.A No. VIII, learned counsel for the petitioner contended that petitioner/father was granted visitation rights to visit the children and to spend time with them on every Sunday from 10.00 a.m. to 06.00 p.m., Initially there was very good bondage between the petitioner/father and the kids. Even Family Court during interaction with the children observed the same and mentioned its observation at para 18 of the interlocutory order rendered on 22.02.2025. Children were very happy to meet petitioner/father and to spend time with him. However, respondent/mother started poisoning the mind



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of both the children. She started informing children that there are ghosts at the house of their father that is the petitioner herein. During visitation, petitioner conversed with the children and recorded the conversation. The conversation recorded reveals said fact. Thus, respondent/mother is trying to alienate the children from petitioner/father. To assess to what extent such poisoning is done at the minds of the children and to know the extent of malicious parenting syndrome, petitioner moved an application seeking Family Court to direct psychological assessment of the kids, so that the impact of parental alienation can be known. However without valid reasons Family Court dismissed that application.

7. Learned counsel in support of his submission placed reliance upon the contents of "child access and custody guidelines and Parenting plan 2025" framed by High Court of Kolkata. Section 59 of the said guidelines reads as under:-



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**"59. PSYCHIATRIC AND PSYCHOLOGICAL
EVALUATION OF PARENTS AND THE CHILD.**

- A. Under Section 12 of the Family Courts Act, 1984, the Court is empowered to secure the services of medical experts; the scope of Section 12 envisages, For settling a problem the Judge of the Family Court cannot merely take his own personal decision. Under this section, he has to rely and consult an expert as while deciding the dispute between husband and wife, the fate and future of innocent children, if there are any, has to be kept in mind. The Judge therefore will have to act as all in one. If either or both litigants are quarrelsome, the altercations definitely lead to litigation on various grounds and their children will be the worst sufferers. In such cases the opinion of medical and welfare experts will be of much use.
- B. The family Court either on an application by one of the litigant or the court suo motto while exercising its discretion to conduct a psychiatric/psychological evaluation of both the parents including the child in order to ensure that custody is given to the emotionally and mentally fit parent, thus ensuring welfare of the child. Procedure for such psychological evaluation shall be as per procedure prescribed.
- C. Failure in marriages is sometimes due to lack of awareness or realization among the litigants where often one of the partner suffers from a personality disorder and/or adjustment disorder which can be easily diagnosed through psychological evaluation. :
- D. The child/children are psychologically evaluated (by play therapy) to determine



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stress, depression level & also any bed tutoring or poisoning of mind to alienate the child from other parent. On diagnosis if confirmed the child is assisted through, intervention of psychological counselling.

- E. In fact Supreme Court has come down heavily for not using the services of medical experts by the lower courts as provided under sec 75e of CPC. (Ref: Sharda versus Dharampal (2003)4 SCC 493))

8. Learned counsel in support of his submission also relied upon the decision of the Hon'ble Supreme Court of India in Special Leave Petition (Civil) Nos.18701-18702 of 2024 between Sheetal Vasant Thakur -vs- Chirag Arora Where the Court at paragraphs No.84 and 85 discussing the decisions in the cases between Vivek Singh -vs- Romani Singh and Col. Ramneesh Pal Singh -vs- Sugandhi Aggarwal, cautioned the Courts that, the Courts ought not to prematurely and without identification of individual instances of 'alienating behaviour', label any parent as propagator and/or potential promoter of such behaviour.



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9. Learned counsel brought to the notice of this Court the contents of conversion recorded by petitioner, translated from Tamil to English which is as under:-

Speaker	Transcription
	What did amma showed you?..She showed a..ah..
	Memu showed me that voice
	ah.. ok.. What voice did she show you?
	Your voice
	hmm.. What was appa doing?
	Appa was loud
	loud... but appa was saying.. What appa was saying?
	[playing around]
	what appa was saying?
	That time you were scolding... she was cute but...
	but What I... was I scolding?
	You were scolding...
	No appa was not scolding... what was appa saying to amma?
	Amma Appa saying.... you come to Adarsh please... Lets be together family I said that.... Yes no?
	Yes
	But what did amma do?
	Amma was not listening to you.. oh! Is it..
	You tell mummy today when



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	you go... ok
	You tell mummy.. Ah.. Appa wants to be together as family ok..... Ok...

Speaker	Transcription
	XXXX, XXXX, wait, wait. To Tell me why mommy is not taking the shoe, XXXX and taking the shoe?"
XXXX	"Because... Maha patti and Bala chacha will scold, you won't scold."
	"Who will Bala chacha and Maha patti scold?"
XXXX	"Mommy."
	"But Daddy did not scold."
XXXX	"I think that I'm not telling about you."
	"Oh, you're not telling about me? You're telling about Bala chacha and Maha patti only?"
XXXX	"Yes".

Speaker	Transcription
Grandpa	There are only man, women...
XXXX	Ghost has started going somewhere.



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	Ghost has gone somewhere else now. There is no ghost anywhere, okay?
XXXXXX	Because you have kept new things it will keep new things then...
	Okay,
XXXXXX	The ghost will (voice not clear).It's also seeing this board.
	Mm-hmm. Okay.
XXXXXX	Take away the boy ghost.
	Yes, Abukutty.
XXXXXX	And girl ghost.
	No, no. Now there's no ghost, there are only angels. Only angels are there, okay? You have the angel with you, princess with the butterfly wings is an angel. Angel XXXXXX. Adorable XXXXXX. Amazing XXXXXX.

10. Learned counsel ultimately states that to arrest any further activities by respondent/mother alike and to evaluate the extent of parental alienation to which the children have been subjected by respondent/mother, there is every requirement for psychological assessment and therefore by allowing this writ petition, setting aside the impugned order, the relief sought for is required to be granted.



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11. Vehemently opposing the submission thus made, learned counsel for respondent/mother contends that respondent/mother is a Doctor by profession. She never objected petitioner/father either to converse with children through video calls or to exercise visitation rights. However petitioner/father resorted to question the children and examine them as if they are witnesses only for the purpose of collecting material so as to present the same before the Court of law. Learned counsel states that petitioner/father if at all really intended to spend good time with children, should have played with the children or should have encouraged the children in their studies and extra curricular activities and he ought not to have questioned the children about their mother and ought not to have recorded the conversation. That itself goes to show that the petitioner/father is trying to strengthen his case to get the custody of the children permanently. Learned counsel also states that the children are aged around 5 years and in case they are now taken to



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hospitals on the pretext of psychological assessment and evaluation, they will face great hardship and inconvenience and therefore the Family Court rightly dismissed the application filed by the petitioner/father seeking psychological assessment. Learned counsel also states that it is the petitioner/father who started telling the children about ghosts. Learned counsel contends that while petitioner/father and respondent/mother were residing under one roof along with the children, petitioner/father, so as to make the children sleep early started saying that ghosts will come to the house if they keep themselves awake for longer period and thereby used to make them sleep. He was repeatedly telling the same thing to the children. He also used to sing the song, "5 little ghost during night time" to engage the children. Thus the children questioned the father during conversation whether the ghosts are still there in the house and intelligently, petitioner/father recorded that conversation and projected as if respondent/mother has



poisoned the minds of the children stating that ghosts stay at the house of the father. Learned counsel in this regard brought to the notice of this Court the contents of para 20 of the statement of objections in which following mention is made:-

"The respondent submits that she has not mentioned about any ghosts to their kids. In fact the kids learned the word 'ghosts' from the petitioner/father who frequently sang the song 'Five Little ghosts' to engage them, and mentioned "ghosts will come at 12 midnight so sleep now" to the kids several times. In fact the children often enquire with the respondent, if ghosts will come to their present residence also at midnight".

12. Learned counsel further submitting that there are no merits in the application filed by the petitioner and therefore it was rightly dismissed by the Family Court, sought to dismiss this writ petition.

13. In reply to that submission, learned counsel for the petitioner states that it is the respondent/mother who took the male child  to psychological assessment



while he was aged 4 and thus respondent/mother cannot now contend that it will be unsafe to take the children for psychological assessment.

14. The submission made by both the learned counsel and the material available on record makes it abundantly clear that parties to the proceedings are fighting for the guardianship and custody of the children and in that course, the children are put to serious hardship by both of them. The children of 5-6 years generally tend to spend their time playing, engaging themselves with other children, learning and getting themselves involved in various activities of their choice. But this case reveals sad state of affairs where the parents claiming themselves to be the best protectors of children, are subjecting the children to unwarranted hardship.

15. As rightly pointed out by learned counsel for respondent there is no necessity for the petitioner/father to record the conversation. The conversation recorded



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produced by petitioner/father himself reveals the effort and intention of the father to get answers which will ultimately help him in projecting his own version. In case petitioner/father wanted to record the conversation, he should have obtained prior permission from the Court. But he has not done so. That apart children of tender years will speak something either to please the elders or something which comes to their mind or to get relieved from the conversation by stating something. Even for recording the evidence of the children below the age of 12 years, certain procedure is contemplated by the Courts of law. Here is a case where petitioner/father recorded the conversation that went on between him and the children, produced the same before this Court and seeks to pass appropriate orders in his favour.

16. Undoubtedly in case there is necessity for such psychological assessment and evaluation, Court is bound to do so. However in the case on hand this Court does not find any such necessity to order the children to subject



themselves for psychological assessment and evaluation that too to know the impact of parental alienation.

17. As petitioner/father is exercising his visitation rights regularly, nothing prevents him to develop bondage with the children during the time spent with them. It is not the case of petitioner/father that his visitation is deprived.

18. Having considered the manner in which petitioner/father and respondent/mother are conducting themselves as parents of tender aged children, this Court is of the view that they need assistance of good psychologist so as to enlighten them about their responsibility to behave as responsible parents. If such assistance is not given to the parties of these proceedings, this Court is of the view that the children who ultimately will be brought up by them will suffer with psychological disorders/imbalance which will not be conducive either for their mental health or for the society at large. Even the relief sought for by the petitioner/father through I.A



No. VIII is for subjecting the parents of the children as well for psychological assessment. Therefore this Court considers desirable to dispose of the writ petition granting such relief. Hence the following:-

ORDER

- i. The order that is rendered by the Court of Principal Judge, Family Court, Bangalore on I.A No.VIII in G&WC No. 423/2024 is modified.
- ii. Petitioner and respondent are directed to appear before the Senior psychologist NIMHANS, for their psychological assessment and guidance in respect of fair parenting and for proper advice to deal with their emotions and if required stress management.
- iii. The Director, NIMHANS is directed to assign the case to the Senior Psychologist who can well



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assess the behaviour of parents and guide them towards fair parenting.

- iv. The assessment report be submitted to the Court of Principal Judge, Family Court, Bangalore within a period of 3 months from the date of receipt of copy of this order.
- v. The Court of Principal Judge, Family Court, Bangalore is directed to pass necessary orders if any required basing on the report to be submitted by NIMHANS.
- vi. The writ petition is accordingly disposed of.
- vii. Registry to forward copy of this order to Director NIMHANS, Bangalore.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE