



CNR: KAHC010364742026

NC: 2026:KHC:45817
WP No. 16393 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 16393 OF 2026 (GM-FC)

BETWEEN:



...PETITIONER

(BY SRI. NAGARAJA H.R, ADVOCATE)

AND:



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...RESPONDENT

(BY SRI. P.B. UMESH, ADVOCATE FOR
SRI. R.B. DESHPANDE, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED ORDER, DATED 10/03/2026, PASSED BY THE
SENIOR CIVIL JUDGE AND JUDICIAL MAGISTRATE OF
FIRST CLASS AT HONAVARA IN M.C. NO. 39/2023 ON IA
NO. II WHICH IS PRODUCED AT ANNEX-A AND ETC.,

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



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ORAL ORDER

Heard Sri.Nagaraja H.R learned counsel for petitioner as well as Sri.P.B.Umesh who represents Sri.R.B.Deshpande learned counsel on record for respondent.

2. With a prayer to issue a writ of certiorari or any other appropriate writ and to quash the order passed by the Court of Senior Civil Judge, Honnavar on I.A No. II in M.C.No.39/2023 dated 10.03.2026 this writ petition is filed.

3. In the proceedings that are pending between the parties i.e. in M.C No.39/2023, respondent/wife filed I.A No. II seeking custody of her son by name . Said application was disposed of directing petitioner/father to hand over the child to respondent/mother on every second Saturday at or before 10.00 a.m. and to take back the child on the next Sunday before 11.00 a.m. Petitioner/father was also directed to hand over the child



in the second half of all school vacation to respondent/mother. Aggrieved by the order thus passed, father filed this writ petition.

4. Learned counsel who represents father submits that the son of the parties by name (hereinafter be referred to as the child), is studying at

Bengaluru. The child is aged around 10 years. Respondent/mother resides at Honnavar. The distance between Bangalore and Honnavar is around 475 kilometres. Making child to travel such long distance frequently is affecting the health of the child. Child is required to travel 1000 kilometres approximately every month. Therefore this writ petition is filed seeking the Court to quash the impugned order.

5. Learned counsel who represents respondent/mother on the other hand submits that the couple gave birth to two children. Elder child is with father and younger child is with respondent/mother.



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The child is very affectionate towards mother and equally mother is affectionate towards the child. At least once in a month mother has to look the child and attend him. Therefore the Court rightly directed petitioner/father to hand over the custody of the child every month on second Saturday. Thus, the order is sustainable.

6. It is not in dispute that distance between Bengaluru where the child is studying and Honnavar where respondent/mother is residing is around 475 kilometres. As per the directions in the impugned order, child should travel from Bangalore to Honnavar on every Friday, spend time with his mother and on Sunday he has to travel again back from Honnavar to Bengaluru. Thus literally child has to attend his school from morning to evening on Friday and in the evening he has to take any means of transport either bus, train, or something alike and travel from Bangalore to Honnavar and thereafter has to spend time with his mother and again on Sunday he has to travel



equal distance that is around 475 kilometres from Honnavar to Bengaluru, reach Bengaluru either during night of Sunday or in the morning of Monday and on Monday again he has to sit in his classroom from morning to evening. A child of 10 years old cannot take up such a hectic task. Literally child has become a victim of the disputes that are prevailing between the estranged couple who are parties to these proceedings.

7. Paramount welfare of the child is the prime consideration. Therefore, this Court is of the view that the directions given for such visitation are unsustainable. But interest of mother should also be protected. Therefore the writ petition is disposed of with the following:-

ORDER

Petitioner/father shall hand over the custody of the child by name _____ to respondent/mother on every second Saturday of alternative month at or before 10.00 a.m. and can take back the custody of the child on coming



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Sunday around 10.00 a.m. In case respondent/mother gets the custody of the child during vacation which falls in any month, petitioner/father need not hand over the custody of the child on the second Saturday of that month.

The writ petition is accordingly disposed of.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

VS
List No.: 1 Sl No.: 12