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HIGH COURT OF KARNATAKA



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Status: Pending

Case Number: WP 26958/2026
(KAHC010586532026)

Classification: GM FC

Date of Filing: 20/08/2026
11:09:23

Petitioner:

Petitioner Advocate: ANITA
ABRAHAM

Respondent:

Respondent Advocate:
ANUSHREE A

Filing No.: WP 26703/2026

Judge: LALITHA KANNEGANTI

Last Posted For: PRELIMINARY
HEARING

Last Date of Action: 29/09/2026

Last Action Taken:
ADJOURNED

Next Hearing Date: 15/10/2026

Daily Orders: WP 26958/2026

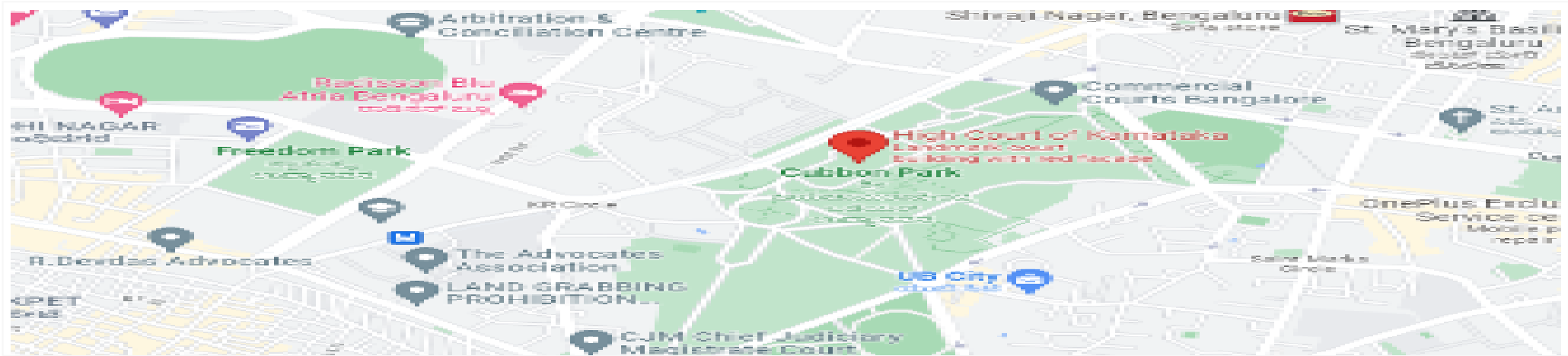
1	<u>29/09/2026</u>	LALITHA KANNEGANTI	ADJOURNED
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	The trial Court had passed an order dated 07.08.2026 in I.A.No.4/2025 in G&WC.No.31/2025, whereby the Court granted visitation to the father on every Saturday and Sunday for 3 to 4 hours between 11.00 a.m. to 7.00 p.m., till disposal of the petition and also granted interim custody to the extent of 50% of summer, winter, Dasara and Deepavali vacations and also is entitled to call the minor son through WhatsApp or other communication device for about 30 minutes between 07.30 p.m. to 08.30 p.m., on alternative days subject to prior intimation to the mother. 2. Before proceeding with the merits of the present case, this Court feels that it is high time for a small change in the language employed in judicial proceedings. In matters concerning custody, Courts often use the word "visitation" to describe the time the child spends with a parent who is a non-custodial parent. The term is familiar, but it carries an unfortunate suggestion that one parent is part of the child's life while the other merely visits. A child should not be made to understand the relationship through the word "visitation," which is used for someone who arrives and leaves as a guest. Children read the conduct of adults and sometimes the words of Courts to understand where they belong. Calling it parenting time recognizes a simple truth that no parent is a visitor in the life of a child. Though a change in terminology does not decide questions of custody, when a Court imposes restrictions on the access to the child, the word "parenting" is more humane. 3. Henceforth, all Family Courts and courts dealing with G&WC matters shall use the term "parenting time" in place of "visitation". The concerned shall issue administrative instructions so that, while filing an application, the parties shall seek "parenting time" instead of "visitation". The Registrar General shall communicate this order to all the Family Courts and other Courts dealing with G&WC matters. He shall also issue a circular in this regard. 4. Coming back to the facts of the present case, learned counsel appearing for the petitioner/wife submits that the parties are living separately since 2017. The boy is now 9 years old. It is also an admitted fact that the father last saw the boy when he was 3 months old, and several proceedings are pending between the parties. The Family Court had already granted a divorce. The father has questioned the judgment before this Court, and it is pending consideration. Even in the DV case, an order was passed in favor of the wife, that is also questioned by the husband/father. It is submitted that, in these facts and circumstances, the Court ought not to have passed an order of this nature. 5. The Karnataka High Court has adopted the joint parenting plan. After the parenting plan is adopted by the High Court, unfortunately, the Courts without even referring to the facts of the case, interacting with the children, are simply adopting the guidelines/suggestion as stated in the joint parenting plan. This approach of the Courts is not in the interest of the child. Particularly, in family disputes and child custody matters, there cannot be any straitjacket formula. As the Courts are dealing with the emotions, lives of parents and children, it all depends upon the facts and circumstances of each case. In a case where the father is regularly in touch with the boy and the Court passes an order, it is a different case. But in this case, the father had not even seen the child from the last 9 years and the Court passes an order that he is entitled for 50% custody of the child and a slew of directions are issued. The Court cannot pass an order without any discussion about the disputes between the parties, without even interacting with the child without discussing the feasibility of the arrangement, which are not in the best interest of the child. The Courts in custody matters are exercising the parens patriae jurisdiction and shall be more concerned with the ultimate welfare of the child, rather than the disputes between the wife and husband. 6. In this case, the custodial parent is the mother. Whatever are the disputes between the parties, the boy needs to have the love and affection of both the parents. It is the duty of the Court in the welfare of the Child to see that how this can be worked out. But not in such a hasty manner. The father is working in Chennai. The mother is staying at Bangalore. The Court has rightly permitted the father to communicate with the boy. However, the 30 minutes time that is fixed by the Court, is not practically possible to implement, as nobody can compel the child to sit for half an hour and speak with the father. 7. In the light of the above discussions, pending disposal of this writ petition, the operation of the order passed on IA No.4/2025 dated 07.08.2026 in G and WC No.31/2025 by the III Additional Prl.Senior Civil Judge, Bangalore Rural is stayed till the next date of hearing. However, considering the requirement of interaction between the father and the child, this Court is making the following arrangement: ORDER. i. The father can have the parenting time with the child on 02.10.2026 and 03.10.2026. On those days, the father can pickup the child from mother's place at 10.00 a.m. and drop him back at 2.00 p.m. ii. It is made clear that the mother shall cooperate with the same, or else, the Court will be constrained to pass appropriate orders. List this matter on 15.10.2026. Last Updated On: 2026-09-30 15:36:03
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2	<u>18/09/2026</u>	JOINT REGISTRAR 1	ADJOURNED
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	Learned Counsel for the Appellant/Petitioner is present and submits objections will be complied during the course of the day. Office to verify.		
3	31/08/2026	DR.CHILLAKUR SUMALATHA	ADJOURNED
	Ms.Anita Abraham learned counsel for the petitioner seeks time to comply the office objections. Time for a week is granted. List the matter immediately on compliance of office objections. Last Updated On: 2026-09-01 15:36:23		

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Last Updated: September 30, 2026

