

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

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BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.35564 OF 2025 (GM-FC)

BETWEEN:

ANJALI MENON
(REFERRED TO AS MRS. ANJALI
BEFORE THE FAMILY COURT)
DAUGHTER OF SHRI.MURALIDHARAN P. MENON,
AGED ABOUT 36 YEARS,
SHRI. RESIDING AT NO.315,
TRANQUIL AMBIENCE,
VIGNAN NAGAR MAIN ROAD,
BENGALURU- 560 075.

...PETITIONER

(BY SRI. ARUN GOVINDARAJ.,ADVOCATE)

AND:

ROSHAN ELIAS JOHN
SON OF MR. IDICHANDY JOHN,
AGED ABOUT 38 YEARS,
RESIDING AT NO.9,
ALAPURATH, TELECOM LAYOUT,
1ST CROSS, BEHIND TENNIS VILLAGE,
VIDYARANYAPURA POST,
BENGALURU- 560 097.

...RESPONDENT

(BY SRI. PRATEEK RATH.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER WRIT, DIRECTION OR ORDER
QUASHING THE ORDER DATED 27.09.2025 PASSED BY THE
LEARNED VI ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT,
BENGALURU IN M.C. NO. 2004/2023, ON THE PETITIONERS
INTERIM APPLICATION NO. 6, UNDER ORDER XLVII RULE 1



AND SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 READ WITH SECTION 38 OF THE SPECIAL MARRIAGE ACT, 1954, IN SO FAR AS IT GRANTS THE RESPONDENT UNSUPERVISED VISITATION RIGHTS OF THE MINOR CHILD-AMARA AND CONSEQUENTLY PERMIT THE PETITIONER TO BE PRESENT AT THE TIME OF VISITATION ANNEXURE-G.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 25.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV ORDER

The present petition is filed seeking to quash the order dated 27.09.2025 passed by the learned VI Additional Principal Judge, Family Court, Bengaluru ('the Family Court' for short) in M.C.No.2004/2023 on I.A.No.6 filed under Order XLVII Rule 1 and Section 151 of the Code of Civil Procedure, 1908 read with Section 38 of the Special Marriage Act, 1954, insofar as it grants unsupervised visitation rights to the respondent in respect of the minor child, and for a consequential direction permitting the petitioner to remain present during such visitation.

2. The petitioner herein/mother is the respondent before the family Court and the respondent herein/father is the petitioner before the Family Court.

3. For convenience of reference, the parties herein are referred to as arrayed before this Court.

4. The brief facts of the case are that:

The petitioner/mother and the respondent/father were married on 18.05.2015 at St. Mary's Cathedral Church, Bengaluru, in accordance with Christian customs and traditions, and the said marriage was subsequently registered under the provisions of the Special Marriage Act, 1954. The parties established their matrimonial home at Bengaluru and out of the wedlock, a female child, namely Amara, was born on 08.12.2020, who is presently aged about four years. It is the case of the petitioner that the marital relationship deteriorated over time owing to the conduct of the respondent and his family members, and that she was subjected to physical, verbal, emotional,

mental and financial abuse, and was abandoned along with the minor child in November 2022.

5. It is further stated that the respondent/father instituted proceedings in M.C.No.2004/2023 before the Family Court seeking dissolution of marriage, to which the petitioner filed her counterclaim. During the pendency of the said proceedings, the respondent/father filed I.A.No.3 on 02.04.2024 under Section 38 of the Special Marriage Act, 1954 seeking interim custody and visitation rights. On the same day, the Family Court granted visitation rights to the respondent from 10:00 a.m. to 11:00 a.m. on alternate Sundays under the supervision of the petitioner/mother, along with video call access for 15 minutes every Saturday between 5:00 p.m. and 6:00 p.m.

6. Thereafter, the petitioner/mother filed I.A.No.4 on 05.08.2024 seeking maintenance, which remains pending. Subsequently, by order dated 14.10.2024, the visitation timing was modified to 11:00 a.m. to 12:00 p.m. at Gopalan Mall in the presence of the petitioner. On 03.02.2025, arguments were addressed on I.A.No.3 and it

was recorded that both parties agreed for continuation of the arrangement as per order dated 02.04.2024, and the matter was posted for orders on 03.03.2025.

7. However, on 03.03.2025, the Family Court partly allowed I.A.No.3 and granted visitation to the respondent with the minor child on every second and fourth Sunday from 10:00 a.m. to 6:00 p.m. Aggrieved thereby, the petitioner filed I.A.No.6 on 24.03.2025 seeking review of the said order. In the interregnum, the respondent/father filed W.P.No.12277/2025 before this Court challenging the order dated 03.03.2025.

8. Thereafter, on 20.08.2025, the respondent submitted before the Family Court that he had no objection for reduction of visitation hours, and consequently, by order dated 27.09.2025, the Family Court modified the earlier order by restricting visitation to 10:00 a.m. to 12:00 p.m. on every second and fourth Sunday, while directing the respondent to pick up and drop the child from the petitioner's residence. Being

aggrieved by the said order dated 27.09.2025, the present writ petition is filed.

9. The learned counsel appearing for the petitioner would contend that the Family Court has acted inconsistently by passing the impugned order dated 27.09.2025 granting unsupervised access, despite its earlier order dated 02.04.2024 wherein such relief was declined and the parties had consented to continuation of the said visitation arrangement. It is further contended that the Family Court failed to consider the relevant circumstances pertaining to the child's welfare, including the fact that the minor child, aged about four years, was allegedly abandoned by the respondent when she was less than two years old and has had no meaningful access to him thereafter.

10. It is also contended that leaving the child in the unsupervised company of the respondent, who is not accustomed to her care, may adversely affect her wellbeing. The petitioner further asserts that serious allegations have been made in the counterclaim, which is

stated to be supported by material, and that the respondent has failed to discharge his obligations towards the child, as the petitioner's maintenance application is still pending.

11. *Per contra*, the learned counsel appearing for the respondent/father would contend that the impugned order does not call for interference, as the same is passed keeping in view the welfare of the minor child and ensures continued parental access. It is submitted that the concept of shared parenting and structured visitation has been recognized in the Child Access, Custody and Parenting Plan Guidelines, 2025 framed by the Calcutta High Court, which have also been taken note of by a Division Bench of this Court. Placing reliance on the said principles, it is contended that meaningful and, where appropriate, unsupervised interaction with both parents is essential for the emotional and psychological development of the child. It is further submitted that the respondent has acted *bona fide* and has even consented to reduction of visitation hours before the Family Court, and therefore the

impugned order represents a balanced and workable arrangement.

12. Heard learned counsel appearing for the parties.

13. This Court has considered the rival submissions made by the learned counsel for the parties and perused the material on record. The impugned order arises out of I.A.No.6 filed under Order XLVII Rule 1 read with Section 151 of the Code of Civil Procedure and Section 38 of the Special Marriage Act, 1954, seeking modification of the earlier order dated 03.03.2025 passed on I.A.No.3. By the earlier order, the respondent/father was granted visitation with the minor child on every second and fourth Sunday from 10:00 a.m. to 6:00 p.m., which has now been modified by restricting the visitation between 10:00 a.m. and 12:00 noon.

14. A careful reading of the impugned order would indicate that the Family Court has taken note of the tender age of the minor child and the need to ensure that the

child is not subjected to prolonged separation from the primary caregiver. The Family Court has also recorded the submission made on behalf of the respondent/father that he had no objection for reduction of visitation hours. The modification, therefore, is not arbitrary, but is based on relevant considerations germane to the welfare of the child and the consensus emerging between the parties on the aspect of duration.

15. It is trite that in matters relating to custody and visitation, the welfare of the child is of paramount consideration and overrides all other considerations. At the interlocutory stage, the Court is not expected to conduct a roving enquiry into disputed allegations, but is required to evolve a pragmatic and workable arrangement that preserves the child's emotional stability while ensuring that the child is not deprived of the company of either parent. The principles relating to shared parenting and continued parental access, as noticed in contemporary judicial guidelines on parenting plans, also emphasize the

need for maintaining meaningful contact with both parents, subject to the facts of each case.

16. In the present case, though the earlier arrangement contemplated supervised visitation, the impugned order merely modifies the duration and modality of access. The contention of the petitioner that unsupervised visitation ought not to have been granted cannot be accepted in the facts of the present case, particularly when the Family Court has consciously reduced the duration of visitation and the respondent has expressed willingness to abide by such restriction. The arrangement, as it stands, cannot be said to be detrimental to the welfare of the minor child.

17. The jurisdiction of this Court under Articles 226 and 227 of the Constitution of India is supervisory in nature. Interference with discretionary orders passed by the Family Court in matters of interim custody or visitation would be warranted only when such orders are shown to be perverse, arbitrary, or in disregard of settled principles governing child welfare. On a perusal of the impugned

order, this Court does not find any such infirmity warranting interference.

18. Insofar as the apprehensions expressed by the petitioner are concerned, it is always open to the petitioner to approach the Family Court seeking appropriate modification, supervision or clarification, in the event of any adverse development or difficulty in implementing the visitation arrangement. The Family Court, being in seisin of the main proceedings, is best suited to monitor and regulate such interim arrangements in the interest of the minor child.

19. Having regard to the aforesaid facts and circumstances, and bearing in mind that the main petition is still pending adjudication, this Court is of the considered view that the arrangement made by the Family Court subserves the welfare of the minor child and does not call for interference.

20. In view of the above, this Court proceeds to pass the following:-

ORDER

The present petition is ***dismissed***.

No order as to costs.

Pending IA's if any, shall stand *disposed of*.

**SD/-
(DR.K.MANMADHA RAO)
JUDGE**

BNV