

ITEM NO.22

COURT NO.13

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 50965/2026

[Arising out of impugned final judgment and order dated 19-08-2026 in WP No. 24828/2026 passed by the High Court of Karnataka at Bengaluru]

SANDEEP R.

Petitioner(s)

VERSUS

MANPREETH R

Respondent(s)

(IA No. 251697/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 251685/2026 - EXEMPTION FROM FILING O.T.

IA No. 251688/2026 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER)

Date : 25-08-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN

HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) :

Mr. Sanchit Garga, AOR
Mr. Abhilesh J., Adv.
Mr. Kunal Rana, Adv.
Mr. Shashwat Jaiswal, Adv.
Ms. Diksha Arora, Adv.
Mr. Bhanu Pratap Singh, Adv.

For Respondent(s) :

Mr. Nikhil Goel, Sr. Adv.
Mr. Ashwin V. Kotemath, Adv.
Mr. Harisha S., AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Permission is granted to file the Special Leave Petition without certified/plain copy of the impugned

order is granted.

2. Having heard Mr. Sanchit Garga, learned counsel appearing for the petitioner and Mr. Nikhil Goel, learned senior counsel appearing for the respondent, on caveat, we find no good ground to interfere with the impugned order.

3. The petitioner shall forthwith comply with the directions of the High Court.

4. We are also astonished to note one other aspect which emerges from the record. In this case on 22nd August, 2025, the petitioner herein preferred custody petition in G & W.C No.319 of 2025 before the Family Court at Bangaluru seeking custody of the child from the respondent-mother along with IA No.2 seeking visitation rights. On 17th April, 2026, the Family Court granted visitation rights to the petitioner by permitting him to have communication rights/visitation rights on every 4th Sunday from 11.00 a.m. to 5.00 p.m. at public place and overnight custody from 4.00 p.m. on every second Friday till 6.00 p.m. on every second Sunday.

5. On 20th June, 2026, the respondent herein filed a Writ Petition No.19158 of 2026 before the High Court seeking modification of the interim order made. On 22nd July, 2026, the High Court modified the visitation rights order. The High Court directed, after specifically

noticing the fact that when the order of 17th April, 2026 was passed, both the parties were residing in Bangaluru but the respondent has since relocated to Pune, Maharashtra in connection with her employment, modified the order providing for visitation rights, as follows:

"12. Therefore, this Court finds that it is just and reasonable to modify the order as follows:

(i) The respondent/father shall have communication rights of the minor daughter Kum. Samanvi.S. i.e., to have audio/video call on alternate days for 20 minutes between 7.00 p.m. and 8.00 p.m. with prior intimation to the petitioner/mother.

(ii) To grant custody of the minor child to the respondent/father once in a month for two days. He is at liberty to take the child on the 2nd Friday evening after the school hours and he can hand over the child to the mother again on Sunday evening by 08.00 p.m. or 09.00 p.m. at Pune. It is for the respondent/father either to spend time with the child at Pune or he can take the child to his place at Bengaluru as he is residing with his mother.

(iii) With this modification, this writ petition is disposed of."

6. When the matter stood thus, the respondent filed an affidavit before the II Additional Principal Judge, Family Court, Bengaluru setting out the following:

"7. I respectfully submit that, on 18-07-2026, this Hon'ble Court permitted the petitioner to interact with the minor child within the Court premises for a limited period. After completion of the interaction, the petitioner produced the child before the Hon'ble Court, whereupon the custody of the minor child was restored to me and the matter was adjourned to 01-08-2026. At no point of time did this Hon'ble Court grant permission to the petitioner to retain or take away the custody of the minor child.

8. I submit that, immediately after I left the Court premises along with the minor child pursuant to the orders of this Hon'ble Court, the petitioner, without any authority of law and in complete violation of the orders of this Hon'ble Court, forcibly took away the minor child from my custody and fled from the Court premises.

9. I submit that, I immediately approached Wilson Garden Police Station and also contacted the Police Emergency Helpline (112). Pursuant thereto, the petitioner and the minor child were secured by the police and brought to Sampigehalli Police Station. However, while at the police station, the petitioner once again absconded with the minor child. Thereafter, despite my repeated requests and complaints, neither the petitioner nor the police authorities restored custody of the minor child to me."

7. The respondent lodged a police complaint and soon thereafter filed a *habeas corpus* and thereafter moved IA

No.7 of 2026, on 28th July, 2026 seeking a direction to the petitioner herein to immediately produce the minor child and restore the custody.

8. In this IA 7 of 2026, the petitioner had the following version to offer:

"10. As things stood thus, this Hon'ble Court had in the execution petition directed the Respondent (mother) herein to keep the minor ward physically present before this Hon'ble Court. On 18.07.2026 the Respondent along with the minor ward was present and the Petitioner was permitted to visit the minor ward in the child visitation room at Family Court. It is of utmost importance to state that post the interim order dated 17.04.2026 it was the very first time that the Petitioner was physically meeting his daughter. Thereafter post discussion with the Respondent (mother), the Petitioner took his minor daughter to his sister's residence and the Respondent had also joined the Petitioner in his car to travel to Petitioner's sister's residence.

11. After reaching the Petitioner's sister's residence, the Respondent with malafide intention dialed 112 and sought Police's intervention. The Petitioner was thereafter summoned to Sampigehalli Police Station wherein he has provided his statement and the matter came to be closed at the Police Station.

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16. The Petitioner states that the minor ward is completely comfortable with the Petitioner and craves to be in the physical custody of the Petitioner. Though the minor ward is of tender age, she has expressed her interest to be in the physical custody of the Petitioner and further mentioned that she is more comfortable in the midst of family members than to stay all by herself at Pune. It may kindly be noticed that the respondent does not have any other person to take care of the minor ward while at Pune whereas on the other hand the Petitioner has his sister and mother who are caring for the minor ward. The Petitioner states that the minor ward's interest is better safeguarded in the physical presence of the Petitioner's mother and sister. Further it may also be brought to the kind knowledge of this Hon'ble Court that the minor ward shares great love and affection to her grandparents and paternal family members including her nieces. Few photographs are herewith attached depicting the genuine interest and wishes of the minor ward."

9. This IA 7 of 2026 was disposed of by the II Additional Principal Judge, Family Court, Bengaluru on 29th July, 2026. We are recording the following operative directions:

"16. The present applicant filed IA No.7

seeking restoration of custody of the child, the particulars mentioned in the affidavit when she lost the custody is not specified and the present application IA No.7 is filed only on 27.07.2026 after 10 days and IA for advancement has been filed. Therefore, the respondent has cleverly taken time to move to present court for custody. As such, by relying on the citation, the applicant cannot take advantage of her own wrong when she failed to inform this court that when she got transferred to Pune and when she was relocated to Pune. Under these circumstances, IA No.7 does not survive.

17. Considering the IA No.8 filed by the petitioner, the same has not been objected as per procedure by the respondent. The Court has directed the respondent to give her residence address at Pune on this day which has been written in the order sheet and the same particulars are not available and the same varies in the address furnished in IA No.7. Under such circumstances and even school time table provided by the respondent that examination of the child is there, cannot be executed since the examination are already over as on 20.07.2026.

18. However, this Court is not inclined to pass any order on merits with regard to IA.No.8 and the parties are directed to honour the modified order passed by the Hon'ble High Court of Karnataka dated 22.07.2026. Hence, point No.1 does not survive for consideration and Point No.2 is deferred for objections to IA No.8 on hearing date."

10. Learned counsel for the petitioner submits that IA No. 8 of 2026 was filed by the petitioner for a direction not to take the child out of Bangaluru. That application was deferred. Be that as it may.

11. What is to be noticed is that in paragraph 16, the Trial Judge contrary to the affidavit filed by the respondent records that the respondent did not set out in IA No. 7 of 2026 as to how she lost custody of the child on 18th July, 2026. To make the matter worse, the Trial Judge has recorded that the respondent failed to inform the Court when she got transferred to Pune and when she relocated.

12. What is to be noticed is that the High Court in its order of 22nd July, 2026 had already noticed that post 17th April, 2026, the respondent had relocated to Pune and conscious of the fact that she had relocated to Pune made the order modifying the logistics for the visitation rights of the petitioner.

13. Learned senior counsel for the respondent, at this stage, points out that the Trial Judge even has recorded in IA No.7 of 2026 that the respondent's Pune address is not disclosed when the Pune address is disclosed in the cause title of the application. The Trial Judge in view

of these findings, dismissed the application.

14. We are astonished that in the teeth of the express directions of the High Court of 22nd July, 2026 in Writ Petition No.19158 of 2026 filed by the petitioner for modification of the interim order on visitation rights, the Trial Court has gone ahead and recorded these findings and denied relief to the respondent.

15. A copy of this order be sent to the Registrar General of the High Court of Karnataka with a direction that the present order should be placed before Hon'ble the Chief Justice of the High Court of Karnataka.

16. We rest the matter at that and expect the Judicial Officer to be more cautious in future.

17. The Special Leave Petition is disposed of in the above terms.

18. Pending application, if any, shall stand disposed of.

(ANITA MALHOTRA)
DEPUTY REGISTRAR

(MANOJ KUMAR)
COURT MASTER