



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 3954 OF 2026 (GM-FC)

BETWEEN:

ANIL ALEX ABRAHAM
SON OF ABRAHAM CHANDY,
AGED ABOUT 45 YEARS,
RESIDING AT NO. 1112 AND
NO. 1113, 4TH MAIN, D BLOCK,
AECS LAYOUT,
BENGALURU-560 037.

...PETITIONER

(BY SRI. ARUN GOVINDRAJ.,ADVOCATE)

AND:

LARA MARY MATTHAI
WIFE OF ANIL ALEX ABRAHAM,
AGED ABOUT 44 YEARS,
RESIDING AT NO. 215,
JAL VAYU VIHAR,
KAMMANAHALLI,
BENGALURU-560 043.

...RESPONDENT

(BY SMT. GEETHA G MENON.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER DATED 08.10.2025 PASSED BY THE LEARNED PRINCIPAL JUDGE, FAMILY COURT, BENGALURU IN G AND WC NO. 226/2015, KEEPING INTERIM APPLICATION NO. 14 IN ABEYANCE AND IN TURN DIRECT THE LEARNED PRINCIPAL JUDGE, FAMILY COURT. BENGALURU, TO ADJUDICATE UPON INTERIM APPLICATION NO. 14 IN G AND WC NO. 226/2015 IN A TIME-BOUND MANNER (ANNEXURE-J AND G) 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 K.MANMADHA RAO

ORAL ORDER

The present writ petition is filed seeking a writ of certiorari to quash the orders dated 08.10.2025 and 27.11.2025 passed in G&WC No.226/2015, whereby the learned Principal Judge, Family Court, Bengaluru ('Family Court' for short) kept Interim Application No.14 in abeyance and to direct the Family Court to adjudicate the said application and dispose of the memo filed by the petitioner in pursuance of the order dated 08.10.2025 respectively.

2. The petitioner herein is the husband and the respondent herein is the wife.

3. The brief facts of the case are that:-

The marriage between the petitioner and the respondent was solemnized on 22.08.2009 at Bengaluru. Out of the wedlock, a daughter Aneira was born on 12.06.2012. Due to matrimonial disputes between the parties, the respondent-wife left the matrimonial home in May, 2014 along with the minor child. The petitioner thereafter instituted G&WC No.226/2015



before the Family Court at Bengaluru seeking custody and guardianship of the minor child.

4. During the pendency of the proceedings, the petitioner alleged that though he was exercising visitation rights, the interaction between him and the minor child had deteriorated and that the respondent was alienating the child from him.

5. In that background, on 07.02.2025, the petitioner filed Interim Application No.14 under Section 12 of the Guardians and Wards Act, 1890 ('the Act of 1890' for short), read with Section 12 of the Family Courts Act, 1984 and Section 151 of the Code of Civil Procedure, 1908, seeking a direction to refer the parties along with the minor child to the Child Psychiatry Department of NIMHANS, Bengaluru, for assessment of the mental and psychological condition of the minor child vis-à-vis her relationship with the petitioner and for submission of a report before the Family Court.

6. The respondent filed objections opposing the said application contending that the minor child is nearing the age of



13 years and was academically successful and emotionally stable. According to the respondent, the application was filed with *malafide* intention and would cause unnecessary distress to the child. It was also contended that petitioner's sister was associated with the NIMHANS and therefore, the choice of the institution was not *bonafide*.

7. After hearing the parties, the learned Family Court vide order dated 08.10.2025, kept the order on Interim Application No.14 in abeyance and directed both parties to suggest the name of a counselor for family counseling.

8. Subsequently, on 03.11.2025, the petitioner filed a Memo before the Family Court praying that the minor child be referred to the Child Psychiatry Department of NIMHANS, which could assign a suitable doctor or counselor to handle the case. The respondent filed her objections to the said Memo on 15.11.2025 opposing the said memo.

9. In the meantime, the petitioner states that during the scheduled visitation on 08.11.2025, the minor child brought up the issue of the petitioner's request for referral to NIMHANS



and expressed her unwillingness to continue the visitation. According to the petitioner, the child informed him that the respondent had told her about the said request made before the Court and asked the petitioner to withdraw the same. The petitioner further states that the child indicated that she would not attend future visitations, if the request was not withdrawn. It is also alleged that thereafter, several visitations did not take place either due to cancellation by the respondent or because the child declined visitation.

10. Thereafter, pursuant to the direction issued by the Family Court, both parties filed Memos on 19.11.2025 suggesting names of doctors, who were involved in psychiatry and family therapy. The petitioner filed the said Memo without prejudice to his rights and contentions in Interim Application No.14. The matter was posted for orders on the said Memos on 27.11.2025.

11. By order dated 27.11.2025, the learned Family Court disposed of the said Memos and directed the petitioner to suggest the name of a family counselor, who is not attached to any hospital or psychiatry department of any hospital. The



Family Court further held that the pendency of the counseling arrangement would not come in the way of disposing of the main custody proceedings and posted the matter for final arguments.

12. Being aggrieved by the order dated 08.10.2025 keeping Interim Application No.14 in abeyance and the order dated 27.11.2025 disposing of the Memos and directing suggestion of a counselor not attached to a hospital, as also the non-adjudication of I.A.No.14, the petitioner has approached this Court in the present writ petition.

13. The learned counsel for the petitioner contends that the Family Court has indicated that the pendency of Interim Application No.14 would not come in the way of disposal of the custody proceedings and that disposal of the custody proceedings without adjudication of the said application would cause grave prejudice to him. The professional report sought through the said application would assist the Court in just and fair adjudication of the custody dispute.



14. It is further contended that if the custody proceedings are concluded without such intervention, the proposed counseling or evaluation would become a mere formality as the professional would not be answerable to the Court.

15. Heard learned counsel appearing on either side.

16. Having considered the contentions advanced, this Court has carefully examined the material placed on record and the sequence of events leading to filing of the present petition.

17. It is not in dispute that I.A.No.14 was filed on 07.02.2025 seeking professional assessment of the psychological condition of the minor child and her relationship with the petitioner. The Family Court, after hearing the parties, passed an order on 08.10.2025 keeping the application open and directing the parties to suggest the name of a counselor for family counseling.

18. Thereafter, the petitioner filed a Memo on 03.11.2025 seeking reference to the Child Psychiatry Department of NIMHANS and the respondent filed objections on



15.11.2025. Subsequently, both parties filed Memos on 19.11.2025 suggesting the names of certain Doctors experienced in psychiatry and family therapy. By order dated 27.11.2025, the Family Court disposed of the said Memos and directed the petitioner to suggest the name of a counselor, not attached to any Hospital or Psychiatry Department, while also observing that pendency of counseling would not prevent disposal of the main petition.

19. The grievance of the petitioner is essentially that the custody proceedings may be concluded without the benefit of a professional report addressing the issues raised in I.A.No.14.

20. In custody matters, the welfare of the minor child is the paramount consideration. Professional counseling and assessment may assist the Court in understanding the dynamics between the child and the parents and in arriving at an appropriate conclusion.

21. The learned counsel for the petitioner submitted that the details of the counselor for family counseling have



already been furnished before the Family Court. The said submission is not disputed by the learned counsel appearing for the respondent.

22. In the present case, it is noticed that the Family Court relying on the decision in the case of ***Chaitanya vs. Soujanya*** produced by the learned counsel for the petitioner wherein it was held that after interacting with the parties, found that to facilitate interim visitation, referred parties and child to NIMHANS for counseling.

23. The Family Court rightly observed that the minor child was about 12 years and 10 months old i.e., nearing to 13 years, was sufficiently mature to express her views. It was noted that during the chamber interaction held on 12.09.2025, the child and the petitioner were advised to improve their communication. The Family Court further observed that the child's difficulty in interacting with her father appeared to arise from issues in their relationship rather than any psychological condition requiring psychiatric evaluation. Considering that the child was in her pre-teen years, which is a stage of significant emotional and social development, the Family Court was of the



view that family counseling would be a more appropriate first step to improve communication and resolve conflicts, and strengthen overall family dynamic. Therefore, the Family Court directed the parties to suggest the name of a counselor and has not rejected the request for counseling.

24. However, the petitioner's concern that the custody proceedings may be concluded without the benefit of such a report, requires to be addressed by ensuring that the counseling process is completed expeditiously and the report is placed before the Family Court before final adjudication of the matter.

25. In view of the foregoing discussions, this Court considers it appropriate to issue directions to ensure expeditious completion of the counseling process and the disposal of the main proceedings.

26. In the result, this Court proceeds to pass the following:-

ORDER

(i) The Family Court is directed to entrust the warrant to the counselor for submission of his



report within a period of fifteen days from the date of receipt of the warrant.

(ii) Learned counsel for the parties are directed to file their respective Memos indicating the submissions and questions to be placed before the counselor.

(iii) The counselor shall consider and answer the questions submitted by the learned counsel for the parties and submit his report as stipulated in the warrant.

(iv) The Family Court shall proceed with hearing of the arguments of the counsel upon receipt of the counselor's report, and thereafter, dispose of the custody proceedings within a period as expeditiously as possible.

Accordingly, the present petition is ***disposed of*** with the above directions.

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

MH/-
List No.: 1 Sl No.: 38