



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 887 OF 2026 (FC)

BETWEEN:

SMT. ALPANA SINHA,
W/O. SRI. ARJUN.A.,
AGED ABOUT 41 YEARS,
RESIDING AT NO.930,
3RD CROSS, 9TH B MAIN,
H R B R LAYOUT,
KALYAN NAGAR,
BENGALURU - 560 043.

...APPELLANT

(BY SRI. B.N.SURESH BABU., ADVOCATE)

AND:

SRI. ARJUN.A.,
S/O SRI.ARUN KUMAR.K.S.,
AGED ABOUT 37 YEARS,
RESIDING NO.264,
13TH MAIN, 22ND CROSS,
NEAR I WONDER WHY PRE SCHOOL,
HSR LAYOUT, SECTOR-7,
BENGALURU - 560 102.
PERMANENT RESIDENT OF
'ARJUN', 3RD MAIN,





RUPATUNGA EXTENSION,
TUMAKURU - 570 102.

...RESPONDENT

(BY SRI. L. VIJAYAKUMAR, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURTS ACT, PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 03.11.2025 PASSED IN M.C.NO.5964/2025 ON THE FILE OF THE SECOND ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU.

THIS APPEAL, COMING ON FOR DISPOSAL, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Sri.B.N.Suresh Babu, learned advocate appears for the appellant. Sri.L.Vijayakumar, learned advocate has filed Vakalathnama praying to appear on behalf of the sole respondent. The same is accepted.

2. The parties are present in Court and have been identified by their respective advocates. They have filed copies of their Aadhaar card which are taken on record.



The parties state that the only issue for which this appeal was filed was in respect of the order for visitation rights made by the Family Court, despite the mediation settlement agreement dated 30.10.2025, which provided for all the terms including the visitation rights with respect to the minor son, the Family Court however, sought to modify the mediation settlement agreement thereby providing for visitation rights.

3. It is the contention of the respondent who appears in person that he does not want any visitation rights and therefore, the decree be modified, so as to exclude the directions for visitation rights. It is stated that the conditions that have been sought to be imposed are restrictive in nature inasmuch as, should the appellant want to move abroad with her minor son, she will have to seek the consent of the respondent. The parties are not at issue that the order passed by the trial Court on the mediation settlement agreement is acceptable to them,



except as far as the directions with regard to visitation rights are concerned.

4. Therefore, since the mediation agreement settlement did not provide for visitation rights which are added by the Family Court by means of modification of the mediation settlement agreement, the impugned order, to this extent, is hereby set aside. That is to say, the direction Nos.1, 2, 3 and 4 in the operative part of the order dated 03.11.2025 as well as direction Nos.1, 2, 3 and 4 those mentioned in the Decree dated 13.11.2025, are set aside.

5. The terms of the mediation settlement agreement dated 30.10.2025, providing for various terms is accepted and the decree of the Family Court decreeing divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955, is upheld. The provisions for visitation are set aside. Subject to the aforesaid observation, the appeal stands allowed accordingly.



6. Pending I.A/s if any, shall also stand disposed of.

7. Office shall issue decree accordingly.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

RR
List No.: 1 Sl No.: 10