

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[SMT. SAVITHA SEETHARAM VS. SRI RAJIV VIJAYASARATHY RATHNAM]

24.03.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
AND
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

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

ON I.A.Nos.1 TO 3 OF 2025 IN M.F.A.No.1536/2015

AND

ON I.A.Nos.2 AND 3 OF 2025 IN M.F.A.No.137/2015

The aforesaid appeals have been finally disposed of by the judgment dated 11.09.2020.

2. Thereafter, three Interlocutory Applications were filed in M.F.A.No.1536/2015 bearing I.A.No.1/2025, I.A.No.2/2025 and I.A.No.3/2025 on behalf of the appellant/mother¹.

3. IA No.1/2025 was for a direction to the respondent-father² to intimate the concerned Statutory

¹ For the sake of convenience, though certain quoted text herein reflects her as 'wife', she is, at other places, referred to as mother.

² For the sake of convenience, though certain quoted text herein reflects him as 'husband', he is, at other places, referred to as father.

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Authorities including the Los Gatos Police Department at Santa Clara County, California, United States of America with regard to the holistic settlement arrived at between the mother and the father as contained in the order of this Court on 27.08.2020 in MFA No.4749/2019 and withdraw the pending cases/felony warrant initiated before the authority in United States of America, as agreed by the mother and the father in the above case and also ordered by this Court.

4. IA No.2/2025 is for a direction to the Registry of this Court to release the Passport and OCI Card of Master Aditya Rajiv Rathnam to the mother for renewal, after renewal of which she undertakes to deposit the Passport and OCI Card of Master Aditya Rajiv Rathnam with the Registry of this Court.

5. IA No.3/2025 seeks sharing/exchanging the credentials of academic as well as extracurricular activities of Master Aditya Rajiv Rathnam in terms of the order in MFA No.137/2015 and MFA No.1536/2015, as observed in Para No.X and direction to be given to the father to share the copies/information.

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IA No.1/2025 in MFA No.1536/2015

6. In the statement of objections filed in respect of IA No.1/2025, it is stated that the mother and the father were American Permanent Residents ('Green Card' holders). In the year 2010, the Los Angeles Police found the mother to be at-fault driver for a serious multi-car accident. Several people including the father were severely injured. A young pedestrian girl was driven to suicide with grievous injuries including amputation and spinal cord injury leading to a vegetative state. The mother travelled to India in October 2010 with return tickets and unilaterally decided to retain the minor child in India without the father's consent after the accident victims sued her in the USA. The minor child's return ticket to the USA was cancelled by the parent of the mother. The father was abandoned with injuries and had to undergo surgery and medical treatment for several years in the USA and India, during which time the parent of the father took care of him. It is stated that the mother later used the father's temporary disability caused by negligent driving, as a ground for seeking sole child custody. It is stated that the case before the authorities/Court in the USA

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is registered and is titled as, "The People of the State of California -vs.- Savitha Seetharam". As per the US Criminal Procedure, the father has no authority to either prosecute it or direct its withdrawal. It is stated that these circumstances were known to both the parties at the time of settlement. It has further been stated that during the pandemic, when the child was with the mother, he was assaulted by the mother resulting in bruises and bleeding lips. The mother had threatened the minor child to keep this incident secret and he was taken to certain doctors, who conducted a surgical procedure under anaesthesia. The stitches were later removed secretly. It is stated that United States is the country of the birth of the minor child. Other allegations have also been made.

7. The order of this Court dated 21.07.2025 reads as follows:

"Mr. Abhinav R, the learned counsel for the appellant (Ms. Savitha Seetharam) and Mr. D R Ravishankar, the learned Senior counsel for the respondent (Mr. Rajiv Vijayasathya Rathnam) are heard on the mutual request for orders on closure of pending complaint/ investigation with the Authorities

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in the United States of America on a complaint filed by Mr. Rajiv Vijayasathay Rathnam against Ms. Savitha Seetharam. The marriage between the couple is dissolved, and there are orders on shared parenting of the child Aditya Rajiv Rathnam.

2.Mr. D R Ravishankar submits that Mr. Rajiv Vijayasathay Rathnam (the father of the child) has no intention of prosecuting Ms. Savitha Seetharam (the mother of the child) in any case in the United States after the settlement that is recorded in the present proceedings. In fact, the unequivocal statement on solemn affirmation reads as under:

"5. I state that I did not intend to prosecute the Respondent in any case in the USA after the settlement."

Mr. Abhinav R also places on record a copy of the details of the email IDs to which the appropriate communication must be made to bring about a closure of these pending complaints/investigation.

3. This Court must observe that the parties have settled their differences about four years back and one of the terms of the settlement is that they will not prosecute any proceedings against each other while also agreeing for shared parentage of the child. However, for bonafide reasons, appropriate intimation is not caused to the authorities in the United States of America for closure of proceedings. This Court must

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enable such closure lest the parties are prejudiced despite the settlement.

In the light of the afore, both Mr. Rajiv Vijayasathya Rathnam and Ms. Savitha Seetharam are directed to file a certified copy of this order with the US authorities by email to the following address.

- "1. District Attorney Office -
da@dao.sccgov.org*
- 2. Los Gatos Police department-
police@losgatosca.gov*
- 3. Santa Clara County Superior Court-
sscriminfo@scscourt.org"*

They shall also place on record due compliance by the next date of hearing.

The office is directed to re-list these appeals on 04.08.2025.

Mr. Rajiv Vijayasathya Rathnam is called upon to ensure that the child is present on the next date of hearing."

8. On 18.08.2025, after observing the previous orders of the Court, this Court inter-alia, noted as follows:-

xxx xxx xxx xxx

"In MFA.No.1536/2015.

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I.A.No.1/2025 is filed for withdrawal of the pending cases/felony warrant, that has stated to be engaging in attempting of concerned Courts in USA.

I.A.No.2/2025 is filed for release of the Passport for its renewal.

I.A.No.3/2025 is filed for exchange of academic credentials.

I.A.Nos.2/2025 and 3/2025 pertaining to the child, who is stated to be around 16½ years of age and short of majority by about 1½ years.

In connected MFA.No.137/2015, three interlocutory applications have been filed seeking the following reliefs.

I.A.No.1/2025 is for modifying the final judgment of this Court on 11.09.2020 in the light of subsequent events and circumstances and for transferring the custody of the minor child to the father to ensure a safe, stable and supportive environment for the child.

I.A.No.2/2025 is for release of the expiring American Passport of the minor child to the appellant-father therein for the purpose of re-issuance of a new adult American Passport from the U.S. Consulate, Chennai.

I.A.No.3/2025 is for directing to the respondent - Mother to hand over the copies of the child's medical and vaccination records.

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Therefore, all the three applications in MFA.No.137/2015 pertain to the child.

It is pertinent to mention here that while disposing of the aforesaid appeals by means of the judgment of 11.09.2020, this Court by its order had directed shared parenting of the child and had made elaborate directions for implementation Clause (xx) of those directions stated that the judgment shall be read as a sequel to the judgment dated 27.08.2020.

The learned counsel for the parties are not at issue that the judgment of 27.08.2020 was passed in ten connected cases pending before this Court. Nine matters alleging Contempt of Court and one matter being MFA.No.4749/2019 relating to relief of decree of divorce on ground of mutual consent.

A perusal of the aforesaid orders of 11.09.2020 and 27.08.2020 reflect that this Court laboured to bring about settlement between the parties but having failed so to do, the judgments were passed to ensure that the future and the welfare of the child, both in emotional and material terms, are addressed optimally. In this regard, the statement made by the parties before the Court and recorded in the aforesaid judgment of 27.08.2020, which appears on internal page No.15, paragraph No.8 of the judgment is that

"8.They also stated that they would abide by the terms of the compromise inasmuch as they would withdraw the

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cases filed by them respectively before various Courts, both in India and abroad, as well as before the Hon'ble Supreme Court of India and that the acceptance of this compromise or settlement between them by this Court would put a quietus to innumerable and protracted litigation inter se between them."

Prima facie, it appears that for an effective settlement between the parties as envisaged in the aforementioned judgments, the matters pending in the Courts or before the authorities in United States of America have to be satisfactorily concluded in terms of the judgments aforesaid. Therefore, the observation of the Court on page No.15 of the judgment dated 27.08.2020, as quoted, would assume importance. That is to say, the parties had undertaken before the Court to withdraw matters pending in the U.S.A.

Admittedly, the case/s pending in U.S.A. were lodged by the husband/respondent. Therefore, in our opinion, it would be important to gauge the conduct of the husband and the actual attempts made by him for withdrawal of matters in accordance with the prevalent/extant laws of the State of the U.S.A., in which those proceedings are pending.

When queried, learned counsel appearing for the husband/respondent has stated that he would have to seek instructions in this regard. He further

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states that instructions would also have to be sought from concerned persons in the U.S.A.

Therefore, the husband/respondent is directed to file an affidavit by the next date of listing as to the steps taken by him in this regard. It is important that the matter be put to rest between the parties in a harmonious manner, so that the welfare of the child and his impression of the holy institution of marriage is not adversely affected. As such, re-list this matter on 22.09.2025 to enable learned counsel for respondent - husband to file an affidavit. Needless to add, the parties are enjoined under the aforesaid two judgments of this Court to ensure meticulous compliance of the terms therein."

9. An affidavit was filed on 05.08.2025 by the father, which reads as follows:-

"AFFIDAVIT

I, Sri. Rajiv Vijayasathya Ratnam, aged about 49 years, s/o Prof. R.K.Vijayasathya, with permanent address at No.1619, "Vaishnavi", 5th 'B' Cross, BSK 1st Stage 2nd Block, Bangalore-560 050 do hereby on solemnly affirmation state as under:

- 1. I am the Respondent in the above case. I am acquainted with the facts of the case, and hence I am swearing to this affidavit,*

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pursuant to the order of this Hon'ble Court dated 21.07.2025.

2. *I state that, this Hon'ble Court, vide order dated 21.07.2025 had directed the Appellant and myself to send a certified copy of the order dated 21.07.20205 to following email addresses:*

i. District Attorney Office -
da@dao.sccgov.org

ii. Los Gatos Police Department-
police@losgatosca.gov

iii. Santa Clara County Superior Court-
sscriminfo@sccourt.org.

3. *I state that, pursuant to the said order, vide email dated 03.08.2025, I sent a scanned copy of the said order to the above-mentioned email addresses. A copy of the email dated 03.08.2025 is produced herewith and marked as **ANNEXURE-A** for the kind perusal of this Hon'ble Court.*

I do swear in the name of God that this is my name and signature and that the contents of this affidavit are all based on my knowledge, belief and information, and I believe them to be true."

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10. However, the email sent by the father, which is enclosed as Annexure-A to the affidavit, only the following is written:-

"As directed by the Hon'ble High Court of Karnataka in its Order dated July 21, .2025, I am hereby forwarding a certified copy of the same.

*Sincerely,
Rajiv Ratnam"*

It is pertinent to mention here that in the email, no details of the case pending in the US were furnished by the father. Therefore, it cannot be said *stricto sensu* that it was an *e-mail* sent in compliance of the order dated 21.07.2025 passed by this Court. Moreover, it is the contention of learned counsel for the mother that the case in respect of which the *e-mail* was to be sent to the concerned authority in the US in terms of the order dated 21.07.2025, was in respect of a case lodged by the father himself for forcibly taking away the minor child by the mother. Whereas in the affidavit filed by the father, a concerted effort is made to club cases that were stated to be pending before the authorities/Courts of the United States of America, which

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were entirely different and unconnected. It appears to be an effort to mislead. It is submitted by the learned Counsel for the mother that a mere letter sent to the concerned District Attorney in United States of America giving details of the case lodged by the father against the mother and requesting its withdrawal in terms of the compromise, would have led to dismissal of the criminal case, which has not been done by the father.

11. An elaborate affidavit dated 19.09.2025 has been filed by the father, Paragraph 4 of which reads as follows:-

BACKGROUND TO THE COMPROMISE

3. I state that the case against the Appellant is the outcome of the Appellant's illegal act of unilaterally removing of the minor child, an American citizen from the USA. The Appellant traveled with return tickets from California to India after being found at fault for a serious car accident in the USA that injured the Respondent and several others, including a pedestrian who ended up with amputations and a vegetable existence, and was driven to suicide. The Appellant refused to return after accident victims sued her in several lawsuits before the Los Angeles Superior Court in the USA in JCCP4621, BC450326 and BC458417. Her father

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canceled the minor child's return tickets to the USA thereby depriving the child of the love and affection of his father for nearly 3 years. This material is on record before the Family Court."

12. It is sought to be contended by the learned Counsel for the father with reference to Paragraph-14 onwards of the affidavit of 19.09.2025, is that any effort made by the father to withdraw the case against the mother in the USA would lead to the prosecution of the father himself.

13. On 17.12.2025, the following order was passed:-

"Pursuant to the previous order passed by this Court, the parties are present and the child is also present. We have interacted separately in chamber with the child, the wife and her advocate, and the husband and his advocate.

The child, Aditya, is very expressive and intelligent. He has stated that his Prelims and Class-11 Examinations are scheduled to be held from the next month onwards and will continue till 6th March 2026. He has categorically stated that he does not want his studies to be affected. In this regard, we have to respect the decision of the child who is over 16 years of age.

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However, we have permitted the mother to interact with her son separately which they have done. Pending consideration of these matters, it is directed that on every Saturday evening, Aditya shall be permitted to interact with his mother online through video conferencing for a minimum of 30 minutes between 7.00 p.m. and 9.00 p.m. This shall be done by video conferencing and nothing shall be done to obstruct this independent conversation between the mother and the child. Needless to add, during the video conferencing, the father shall not be present in the room when the child is speaking to his mother.

This arrangement will commence with effect from 20.12.2025.

List these matters on 10.03.2026."

14. Having considered the aforesaid applications, statement of objections and the contentions advanced by learned counsel for the parties, we deem it fit to **allow the application-IA No.1/2025.**

15. In MFA No.4749/2019 in the order dated 27.08.2020 it is noted that, with regard to the cases in the United States of America between the parties, both the parties had undertaken not to take any further steps. In that

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very judgment, the statement of the parties was recorded that they would abide by the terms of the compromise inasmuch as they would withdraw the cases filed by them respectively before various Courts, both in India and abroad, as well as before the Hon'ble Supreme Court of India, and that the acceptance of this compromise or settlement between them by this Court would put a quietus to innumerable and protracted litigations inter-se between them. Thus, in view of our allowing the application-IA No.1/2025, the father is directed to intimate the concerned statutory authorities/Court(s), including the Los Gatos/Monte Sereno Police Department at Santa Clara County, California, United States of America, with regard to the holistic settlement arrived between the mother and the father as contained in the order of the Court dated 27.08.2020 in MFA No.4749/2019. He shall withdraw the pending cases/felony warrant initiated by him or at his behest. Additionally we direct that a copy of the order passed by this Court in the present appeal on 11.09.2020 be also communicated to the aforesaid authorities or Court/s as the case may be, in the same communication, which shall be done through *e-mail* at

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the addresses reflected in the order passed by this Court on 21.07.2025. It is made clear that the orders sent by e-mail shall be clearly legible so as to leave no room for doubt regarding the contents of the order and the terms of the settlement and the co-parenting plan formulated by the Court with the consent of the parties. This shall also be intimated to the concerned District Attorney in the United States of America. The e-mail shall specifically refer to the case details in respect of which the e-mail is sent. A copy of the said *e-mails* shall also be forwarded to the mother.

IA No.2/2025 in MFA No.1536/2015

16. With regard to the aforesaid IA No.2/2025, in the statement of objections, it is stated that the responsibility for renewing the minor child's passport rests with the father. It is stated that the minor child is eligible for the issuance of an adult US passport and as per the regulations of the US Department of State, this requires the consent of just one parent. Necessary steps have been initiated by the father and the minor child in this regard. It is further stated that the OCI Card is only needed for travel and it is not required

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for re-issue of passport. It is stated that the mother has intentionally sworn at Para 5 of her affidavit seeking the OCI Card from the safe custody of the Registry on false pretence. Other allegations against the mother have also been made. Considering the rival submissions and the averments made in the affidavits, we **allow this application bearing I.A.No.2/2025 in M.F.A.No.1536/2015.**

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17. It is pertinent to note that IA No.2/2025 has also been filed on behalf of the father in the connected MFA No. 137/2015 for directing the Registry to release the expired American Passport of the minor child Master Aditya Rajiv Ratnam to the father for purpose of re-issue of a new adult American Passport from the US Consulate at Chennai, which is supported by his affidavit. It is stated that the he has taken all requisite legal steps in this regard and had fixed an appointment with the US Consulate at Chennai, which was in the month of July and August, 2025. In this affidavit a communication from the Bureau of Consular Affairs, US Department of State as well as certain *e-mails*

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are enclosed. Also enclosed is 'Annexure-C' which is the Overseas Citizenship of India Scheme (OCI Scheme).

18. In view of our allowing the application-IA No.2/2025 in M.F.A.No.1536/2015, we **reject the application bearing I.A.No.2/2025 in M.F.A.No.137/2015** moved on behalf of father, inasmuch as what is in the interest of the child is renewal of the Passport in accordance with law by any of the parent. The fact that at present the child is residing with the father would not make any difference to the outcome of the lawful procedure being adopted by any of the parties for renewal of Passport.

IA No.3/2025 in MFA No.1536/2015

19. As far as IA No.3/2025 is concerned, a statement of objection is on record, in which, as stated by learned Counsel for the father, all the academic credentials of the child have been attached. It is also stated that the details regarding User ID and Password pertaining to the website 'collegeboard.org' is available with the child. In view of this statement of objection, learned counsel for the mother states

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that this application is rendered infructuous. It is **accordingly dismissed as such.**

IA No.3/2025 in MFA No.137/2015.

20. An IA No.3/2025 was filed by the father in M.F.A.No.137/2015 seeking a direction to the mother to hand-over copies of the child's medical and vaccination records.

21. Learned Counsel for the father states that the requisite details are stated in Annexure-D to the affidavit filed in support of the application, which appears on Page-15. The counsel for the mother states that whatever documents were in the possession of the mother have been furnished which is Annexure-R1 to the statement of objection filed in response to this I.A.No.3/2025.

22. Further, attention of the Court has been drawn to Paragraph-4 of the said statement of objection that the allegation imputed against the mother in Annexure-D regarding she assaulting the minor child is false and denied. The correct fact, as stated, is that when the child was younger, the child fell down while playing and sustained

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injury on his lips and teeth, and the mother, as a diligent and responsible parent, promptly took the child to a dentist for medical assistance. This happened when the custody of the child was with the mother in terms of the order of the Family Court in Guardians and Wards Case No.101/2012. In paragraph-5, it is further stated that the child is not privy to any major medical issue. Hence there is no medical record or documents as claimed by the father.

23. Learned counsel for the father states that the father came to know that on 18.03.2021, the minor had suffered injury and was taken to Shiva Shankar Specialist Dental Clinic. In this regard to confirm whether that dental clinic was duly registered, an application under the Right to Information Act³ was moved by the father on 27.03.2021 before the District Health Officer, Zilla Panchayath, Bangalore, whose answer to that query reflected that the facility was not registered. It is therefore sought to be contended on behalf of the father that even proper medical

³ RTI

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facility is not being provided to the child by the mother. It is stated that all these aspects were suppressed by the mother.

24. In our opinion, the conduct of the parties reflects that for the purpose of getting custody of the minor child, who is loved dearly by them, they are sacrificing their sense of dignity and decency. Each party is projecting itself to be the child's saviour, while stating to be working in the best interest of the child. The submission made by learned counsel for the father regarding answer received in respect of the aforesaid RTI application filed before the concerned authority with regard to the medical facility where the minor child was treated for injury, has to be view in proper light. This incident happened during the severe second wave of the COVID pandemic when people were dreading to step outside their homes. The mother took the child to that facility for medical attention. It is a noticeable fact that all doctors and medical institutions were then overwhelmed with patients suffering from COVID and other ailments. This act of the mother of taking the child to the medical facility is sought to be projected as a wrong-doing on her part. It is not the case

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of the father that due to that treatment there was any adverse consequence on the well being of the child. It is sad that the child is being used as a pawn by the parties to settle scores.

25. In view of the aforesaid, the **IA No.3/2025 filed in MFA No.137/2015 is disposed of.** All medical documents/records, apart from what has been filed in the statement of objections to this IA, if available with the mother, would be given to the father.

FURTHER DIRECTIONS

26. The concerned Registrar is directed to hand-over the Passport as well as the OCI Card to the mother as per Rules, preferably within a week of filing an appropriate application. The application shall be accompanied by an affidavit of undertaking by the mother, that the said documents after re-issue/renewal, as the case may be, shall be submitted to the Registry within two weeks of the said renewal/reissue. We direct that the co-parenting Plan as directed in the order dated 11.09.2020, which order has attained finality, shall be complied with by the parties in

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letter and spirit subject to the observations made in the next paragraph. On the child, namely Aditya Rajiv Rathnam, becoming an adult, the passport/OCI card shall be handed over to him by the Registry on application with such supporting documents as may be required.

27. It is stated by the counsel for the father that the last prelims paper of Class-11 is to be held on 30.03.2026. The finals of the examinations will be held on 07.05.2026 and 29.05.2026. Therefore, the child who is residing with the father at present shall be taken by the father to the child's mother's residence on 02.04.2026. The child will reside with his mother till 30.04.2026. Thereafter, on 01.05.2026 the child will be taken by the mother to the residence of the father and the child will stay with his father till 31.05.2026. Thereafter, the directions made in the order dated 11.09.2020 pertaining to summer vacation arrangement as well as the arrangement for shared parenting, shall apply till the child becomes an adult. The order dated 11.09.2020 stands modified accordingly.

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28. On failure to comply with the directions issued by the Court, the defaulting party would be liable to be proceeded against for contempt of court.

29. All other pending applications stand disposed of.

30. The records of these appeals are consigned.

(JAYANT BANERJI)
JUDGE

(RAJESH RAI K)
JUDGE

KGR
List No.: 2 Sl No.: 4