

**CCC NO. 100064/2024 Connected Cases: MFA NO.  
103183/2024**

**IN THE HIGH COURT OF KARNATAKA AT DHARWAD**

[MR RIYAZ S/O BADESAB PATHAN VS. SMR DURRE SAMIN  
D/O RAJAHMED SARMULLA AND ANOTHER]

21.04.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR JUSTICE B.M.SHYAM PRASAD  
and  
HON'BLE MR JUSTICE SHIVASHANKAR  
AMARANNAVAR

**ORAL ORDER**

(PER: HON'BLE MR JUSTICE B.M.SHYAM PRASAD)

The dispute in this appeal and complaint relates to the custody of a minor girl. The accused [*the mother and the appellant in MFA No.103183 of 2024*] has the custody of this minor girl but she is directed to hand over the custody to the complainant [*the father*] by the impugned order dated 22.11.2023 in G & WC No.8 of 2021. This Court has dismissed the appeal for default in complying with the office Objections, and this Court has also rejected the application filed for recall of the dismissal order.

With the present applications being filed and Sri Mrutyunjaya Tata Bangi being permitted to appear in the

Complaint on behalf of the accused, this Court has also interacted with the minor girl on 09.04.2026. This Court has permitted Sri Mrutyunjaya Tata Bangi to comply with the office objections subject to orders on the pending applications. The Office Note is that the Office Objections are currently attended to, except that the copies are not yet served on the respondent.

Sri Waqar Ahmed Shahpuri, the learned counsel who is on record for the respondent in appeal, is called upon to take notice for the respondent.

The questions for consideration at this stage are.

- [a]** Whether the applications filed for recall of the dismissal of the appeal and the earlier application for recall of the dismissal order must be favoured.
- [b]** If the applications are to be favoured, the orders that must be in the contempt proceedings as charges are already framed.

**[c]** Whether the complainant can be denied of the visiting right to the daughter during the weekends until these two afore questions are answered.

Sri. Mrutyunjaya Tata Bangi is categorical that the accused would not in any manner impede the complainant from visiting the daughter and that the accused would also make a separate arrangement within one of the premises which she can access for the complainant to interact with the girl child.

These submissions are taken on record.

Sri Waqar Ahmed Shahapuri submits that he is yet to be served with the copies of the applications and he would also submit that this Court must consider the questions formulated in the light of the orders of a Co-ordinate Bench of this Court in W.P.No.24360 of 2023 on the guidelines formulated by the High Court of Calcutta [*Child Access and Custody Guidelines along with Parenting Plan, 2025*].

However, crucially, the learned counsel must be served with copies of the application.

Sri Mrutyunjaya Tata Bangi is called upon to do the needful without fail by the next date of hearing.

The Office is directed to re-list this appeal on **27.04.2026** for orders on the pending applications in the light of the questions raised. The Office is directed to show the name of Sri Mrutyunjaya Tata Bangi as a learned counsel for the respondent in the appeal, who is also the accused in the connected case.

**(B.M.SHYAM PRASAD)  
JUDGE**

**(SHIVASHANKAR AMARANAVAR)  
JUDGE**

KGK  
List No.: 3 Sl No.: 21