ENGLAND AND WALES / JUDGMENT

A Father v A Mother

Source: caselaw.nationalarchives.gov.uk · Research copy typeset by Esheria. Not court-issued or certified.

Neutral Citation Number: [2026] EWFC 110 IN THE FAMILY COURT IN THE MATTER OF THE CHILDREN ACT 1989 Royal Courts of Justice Strand, London, WC2A 2LL Date: 27/04/2026 Before : THE HONOURABLE MRS JUSTICE LIEVEN

- Between : A Father
- and - A Mother Applicant Respondent
- - - - - - - - - - - - - - - - - - - -
- Ms Baljinder Bath (instructed by Rothera Bray LLP) for the Applicant Ms Suzanne Hodgkiss (instructed by Family Law Consultants) for the Respondent Hearing dates: 16th & 17th April 2026
- Approved Judgment This judgment was handed down remotely at 11.30am on Monday 27th April 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives. ..... THE HONOURABLE MRS JUSTICE LIEVEN This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court. The Honourable Mrs Justice Lieven:

1. This is an application by the Father, (“F”) for a child arrangements order for contact in respect of two children, a girl (Y) and a boy (X) who are twins aged 9. The Respondent is the Mother. The M was represented by Ms Hodgkiss and the F by Ms Bath.
2. This is a composite hearing, dealing with issues of fact and welfare. I will deal with the factual disputes first and then set out any discrete evidence on welfare and my conclusions on welfare issues.

Background

3. The very brief outline facts are that the parents are both Indian Punjabi by heritage. They are both British citizens, the M having become one around 2023. They had an arranged marriage in India in 2007 and the M then came to live in the UK with the F. They lived in a household with the F’s parents (the Paternal Grandparents “PGPs”) and the F’s sister, H.

4. According to the M there were always difficulties in the marriage caused in part by the PGPs. The M says that throughout the marriage the F was controlling, both of her finances and of other matters such as not letting her go out freely and making her subservient to his parents. The M say that there was physical domestic abuse throughout the relationship.

5. The twins were born, after IVF, in April 2016. The M says that physical abuse got worse after that. The children have witnessed domestic abuse throughout their childhood, including seeing the F hit the M. The M says that the F drank alcohol excessively at times and this led to worsening behaviour.

6. The F denies all the allegations, and I will set this out in much more detail below. However, he accepts that there were many arguments in the marriage, which the children on occasion witnessed, but says that both parents were equally to blame.

7. On 5 December 2024 the M went to the GP after a particularly bad argument, and alleged serious domestic abuse. The GP called the police, and the M repeated these allegations. The Police advised that she and the children leave the family home. The F was subsequently arrested and placed on police bail. The M gained a non-molestation order, initially ex parte and then on a no admissions basis.

8. Since that date the children have been living with the M away from the F and his parents. There was initially some video contact between the F and the children but that stopped in March 2025, when the M said the children no longer wished to have contact.

9. The children have been subject to a number of assessments and are now subject to a Child in Need Plan. I will set out more detail on the assessments below, but as a broad picture, the children initially seemed to be happy with the video contact, although from the very first time they were spoken to they said that the F hit the M. However, each time since March 2025 they have spoken to a professional they have said that they do not wish to have contact with the F. The F says that they have been persuaded into this position by the M and they have been subject to “parental alienation”.

10. I note that the children were both interviewed by the Police on 18 January 2025, in accordance with ABE Guidance. They both said that they had seen the F hit the M on more than one occasion, and recounted other incidents which I refer to below. The Allegations

11. The M has made a number of allegations against the F. The key ones which I will deal with are;

a. February/March 2010 there was an argument over whether the M could buy her family in India a blender, the F assaulted her and dragged her by the hair.

b. The M says that when she was pregnant in 2012, the F assaulted her in the car and left her beside the road, she had to walk home. Subsequently she had a miscarriage. c. In August 2023 the family was about to leave for a trip away. The M says that there was an argument about whether she had said goodbye to the PGM and the F slapped her in front of the children.

d. The M says that in November 2023 the F cut X's hair in the night and then in the morning forced him to go to the barbers where his hair was cut short against his wishes. This is an important issue because of this family's religion, and boys' hair has considerable cultural significance (the haircut incident).

e. There are three other serious assaults alleged, but each is simply one person's word against the other, and I will deal with them collectively;

f. The M also alleged coercive control, including financial control.

g. The M also alleges the F hit the children on three occasions, X twice and Y once.

h. The M alleges that on the night of 5 December 2024 when she and the children had gone to her uncle's house the F came to the house and was banging angrily on the door and windows.

i. She alleges that in March 2025 when she and the children had moved into a property jointly owned by the F and the M, the paternal aunts came round with torches and called out to the children causing them and the M to be very scared. The Evidence

12. I heard oral evidence from the Father, the Mother and the social worker.

13. The Father has filed three witness statements and given a police interview. He was adamant that he has never hit or assaulted the M. He denied coercively controlling her or in any way mistreating her. He also denied that his parents mistreated her. He does accept that there were many arguments, and that those sometimes took place in front of the children. He says that he did not appreciate at the time the effect this would have had on the children, and now, having done a number of courses, very much regrets the impact on the children.

14. I will not go through each of the assault allegations separately, because the F simply denied them all and for most there is no specific evidence either way, save for the parents' evidence.

15. In her 23/1/26 statement, the M produced a number of text messages in which the F refers to slapping the M. When these texts were first produced the F denied sending them, and on instruction at the February 2026 hearing suggested that the M had made them up, as she had access to his phone. I ordered that the M produce the context for the texts, which she then did in her statement dated 19/3/26. The F in his statement of 23/3/26 then accepted that he had sent them but said that when he referred to "slapping" the M or to "slaps", what he actually meant was that he had "parried" the M when she had tried to hit him. He said that the reference to "slap" was because Punjabi did not have a word for a "parry" and that he had over time simply accepted the M's use of the word "slap". He repeated this explanation

in oral evidence.

16. The texts have a large number of references to the F hitting or slapping the M, as well as to allegations that the F's family have controlled and belittled the M. I will not set them all out but some of the most obvious are as follows;

a. 2/9/20 the F says "I am sorry I should not have hit you"; b. 1/10/21 The F says "H said to me she is really sorry to M and will never say anything again";

c. 5/9/23 "if you call or tell other people then we are getting divorce....if you shout at my parents again then I will slap you again.... So I slapped you..."

d. 18/9/23"... it was me that slapped you" There are many more texts in the same vein. They also make frequent reference to the PGPs treatment of the M and to the children being frightened of what was happening.

17. In respect of the trip away incident the F said that there was an argument when they were about to leave home, but he did not hit the M. He says that he "parried" her hand when she raised it against him, and that is what the children will have seen. I note that when he first responded to the allegations made in the Schedule of Allegations, in respect of the trip incident (allegation 1(h)) he made no reference to having had to restrain the M, and having "parried her arm", nor did he suggest that the use of the word "slap" had really meant parry in the texts I have referred to.

18. When I asked him about this, the F said he had not mentioned this explanation for the texts because he was only dealing with whether he had slapped or hit the M.

19. In respect of X's hair cut the F said that he had been playing with X the night before and he had got chewing gum in his hair. The F noticed this early in the morning and decided to cut it out whilst X was asleep. When X woke in the morning he was unhappy that his hair was "wonky", and he and the F decided to go the barber to have the hair straightened out. When they got there X decided that he wanted his hair cut short. The F produced two pictures of X at the barbers, in one of which X is smiling with a lollipop in his mouth. Again, when the F responded to the Schedule of Allegations he made none of these points, and simply said X's haircut was not a big issue. This is plainly not true because there is reference in the texts to the F trying to get the M to take X to have his hair cut.

20. The F says that it was the M who was very upset about X's hair having been cut, and X had to say that he was unhappy in order to placate the M.

21. On the evening of the separation (5 December 2024) the F says that he went round to the uncle's house because he did not know where the M and the children were and he was worried about them. He was not angry and although he banged on the door it was simply because he did not know if anyone was in the house. There is doorcam footage which records the F knocking but not shouting or swearing or being threatening.

22. It is his case that he had an excellent relationship with the children before the separation, and the video contact was entirely positive. However, the M has spoken to the children about her version of events, and they now feel that they have to support the M.

23. The F denies controlling the M. He says the M had her own bank account and was entirely in control of her money. He says that the M transferred large sums, including £30,000 in 2011/12 and many thousands of pounds subsequently to her family in India over the years.

24. The M has filed four statements and given a police interview. Her evidence was that the relationship was very difficult from the outset. This was in significant part because the F always wanted her to placate his parents, with whom they lived. He would take their part against her. He routinely assaulted her, including the serious incident before she had a miscarriage (although there is no medical evidence in respect of it and no suggestion of causation or indeed that the F knew the M was pregnant at the time) and numerous subsequent assaults including ones that the children witnessed. Most of these incidents have no third party evidence either way.

25. She gave detailed evidence about the trip incident. She also gave evidence about X's haircut, saying that there was no chewing gum in his hair when she put him to bed. She said the issue of X having his hair cut had been a long running point of discussion. She said she had sought to persuade X to have his hair cut, but he was very resistant. He had been very upset when she got home from work on the day of the haircut (it was a Sunday) and had refused to go to a school the next day because he was unhappy about his hair.

26. I did not hear oral evidence from the children, but I read the transcripts of the ABE interviews. There are a number of notable points in respect of these. Firstly, the interviews took place relatively soon after the children and the M had left the family home. Secondly, they both immediately and unprompted referred to the F hitting the M. Y in particular gave a careful and detailed account, for a 9 year old. Both children come across as being articulate, intelligent and thoughtful. There is nothing to suggest either exaggeration or that they have been coached or prompted. The language they use and the way they speak accords with what one might expect from an intelligent 9 year old child.

27. The SW, who is an experienced social worker, said that in his view the children were telling the truth when they spoke to him.

28. Both children describe the incident before they went to the trip, when the F hit the M and X tried to ring the police. They both describe the time when the F got angry with X about supposedly not saying good night to the PGM and the F hit X. Both describe the hair cutting incident in very similar terms.

29. I also note that their accounts remain consistent in all their subsequent discussions with professionals. The allegations do increase by the children saying that the F hit them, which they had not initially alleged. I have no reason not to accept what they said in their Police interview as being entirely truthful.

30. The F suggests that the M has alienated the children from him. He says that the evidence they have given to the police and then their statements to social workers have to be understood as being their trying to please and placate the M. I will consider this in my conclusions below.

31. I have witness statements from the F's sister and the M's uncle, but in my view they add little in being able to determine the factual matters in the case. Conclusions on the facts

32. This is a case on the factual disputes where to a very large extent it is the Father's word against the Mother. The burden of proof is on the person making the allegation, the standard of proof is balance of probabilities. The fact that someone may have lied about one point does not mean that all their evidence is untrue, and people may lie for a wide variety of reasons.

33. I have had close regard to the judgment of Leggatt J in Gestmin [2013] EWCA 3560 (Comm) and the need for extreme care when making judgements on the basis of the demeanour of witnesses, and thus the need to look for "objective" and where possible documentary evidence to determine where the truth lies. That in my view is particularly important in this case.

34. Both parents were credible witnesses purely on the basis of their oral evidence and demeanour. The F was consistent in his denials of abuse, and was highly articulate. But, as recorded below his explanation for the texts, and indeed his description of the trip incident and the hair cutting, materially changed through the course of the litigation. The M was consistent, clear and believable. The majority of the objective and third party evidence supports the M's allegations.

35. Firstly, there are a number of texts between 2020-2024 where the F refers to slapping the M. I find his explanation that when he said "slap" what he meant was that he had parried the M attempting to hit him, or on at least one occasion tapped or gently restrained her arm to stop her shouting in front of the children, not believable. His evidence has been highly inconsistent in respect of the texts and what happened. At the February 2026 hearing before me he denied sending the texts. He did not give his current explanation for the trip incident (having parried the M's blow) in his second witness statement when the allegation had been very clearly made in the M's statement and the schedule of allegations. He made no reference in his earlier evidence to the M having tried to hit him on occasion and him having had to "parry" her blows, which led to the use of the word "slap".

36. In my view this is all fanciful and simply made up to explain the obvious and natural meaning of the texts, which is that the F frequently slapped the M and threatened to do so again in the texts. It is important to note that the F is a native English speaker so the excuse of there being some linguistic issue is even more unbelievable.

37. Even taking a highly textual approach, the texts make no sense on the basis of the F's version. One does not threaten to "parry" someone's blow- the threat is plainly to hit the M (again). The texts therefore entirely support the M's case that the F frequently slapped her and threatened her. That could be the end of the case. The F has not just frequently hit the M but has persistently and deliberately lied through this litigation, including under oath in the witness box.

38. Secondly, is the children's account, particularly their account to the Police. The children have been highly consistent in what they have said about the F frequently hitting the M. They said it to the first social worker on 11 December 2024 only 6 days after the parents had separated. The police interview was on 18 January 2025, so only a few weeks after the parents separated. If, as the F suggests, the children had an often good relationship with him then it is less likely that they would be making up a number of lies about him, with a consistent story between the children, in a short period of time after they left the family home. I note that none of the professionals who have spoken to the children have thought that they had been coached.

39. The F alleges that the M has alienated the children, and that is why they have lied to the Police and social services. In considering this matter I have had regard to the FJC Guidance on Parental Alienation.

40. The F says, and to some degree I accept, that he was a very hands on F and had a very close relationship with the children. It is clear that the F spent considerable time with the children, usually taking them and collecting them from school. The M sees this as being part of his controlling behaviour, the F sees it as evidence of his close relationship with the children. I have no doubt that the children loved both their parents and when living together did have happy times with their F. I also accept that the F genuinely loves the children.

41. The F freely accepted the M was a good mother and looked after the children well. The M struggled to say anything positive about the F or his care of the children. Ms Bath places considerable weight on this factor and says that it shows the M cannot speak positively to the children about the F and has therefore, whether deliberately or not, alienated them from him and has given them the sense that they have to back her, and say they don't want to see their father.

42. This is a point where it is necessary to inject a little realism into the situation. I have found that the F has persistently over many years physically abused the M, slapped her in front of the children and made her subservient to him and his family. The fact that she struggles to say anything positive about him is hardly surprising in those circumstances. I have also found that the children have seen this abuse over many years, and lived through many terrible arguments, quite apart from seeing the F hitting the M. I have also found that the F did, at least once, hit the children and cut X's hair against his wishes. Again, it is hardly surprising in those circumstances that, having moved out of the house and now being in a much calmer environment, that they have said they do not want to see him. The fact that

their position has changed from apparently enjoying the electronic contact to now saying they do not want to see the F, is not in my view evidence of alienation. I agree with the SW that it is more likely that the children having left a deeply unhappy household, where the F abused the M, have now gained the confidence and the voice to say that they do not want to see the F.

43. In my view the M's failure to see anything positive in the F's care of the children is not evidence of alienation, merely an understandable consequence of her married life. We cannot expect parents to have the quality of saints when a relationship ends after years of abuse. Equally, the children's antipathy to the F is a perfectly understandable reaction to their life when the family lived together.

44. Thirdly, the M's narrative is highly believable in terms of the generality of DA and PD12J. She came to the UK from India and lived with the F and his family. She was socially somewhat isolated, and away from the bulk of her own family. She was afraid of losing the children. I accept that the fact that the F worked in the broader social care sector may have led her to fear that he had a knowledge and contacts that meant it would have made it more difficult for her to be believed. I note that there is one text where the F threatens that the children will be taken into foster care if the M makes complaints about him.

45. Ms Bath submits that there is no medical evidence supporting the M's account and indeed on the alleged incidents in 2023 and March 2024 the M attended the doctor shortly thereafter and there is no record of injury. It is well known and accepted that victims of DA often do not report it for a long time. The fact that the M did not tell the GP about what she now says was happening I do not find at all surprising. In relation to the GP not seeing bruising, it is again well known that bruises fade at very different rates, and are therefore notoriously difficult to date. The lack of medical evidence is therefore a neutral factor.

46. As I have said above, I am very cautious of placing too much weight on demeanour of witnesses. However, my conclusions based on the children's evidence and the texts as set out above are wholly consistent with my assessment of the parents' evidence. The M was careful, thoughtful and spoke with complete conviction. The F's evidence can only be described as glib, with a quick answer to every point, and in my view he was making up explanations as he went along. The evidence about "parrying" the M being the clearest example.

47. For these reasons I find the allegations of physical assault by the F on the M to be made out. This finding could rest on the texts alone, but the other evidence supports the M's allegations. The F has denied all physical abuse. I therefore find the F has very deliberately and systematically lied to the Court. Although that does not mean that all his evidence is untrue (see Lucas) it does mean on the facts of this case that his factual evidence has to be treated with extreme caution.

48. In relation to wider coercive control, I accept the generality of the M's evidence, although I accept that she may have overstated the allegation of financial control. A difficulty with coercive control is that it can be highly subjective, and also may come to seem more extreme (and sometimes in a different light) after the breakdown of the relationship. The M had her own bank account and had a job. The texts suggest that she had some level of agency in the relationship. It may be that as she gained more confidence in the UK and was more prepared to argue back (which she plainly did from the texts) the more the F resorted to physical abuse.

49. However, the F's suggestion that the M was sending large amounts of money to her family in India was not made out. There was no documentary evidence of the alleged £30,000 in 2011/12 which is surprising given the size of the sum. There is documentary evidence of transfers of money to the M's father in India from 2013 onwards, but the M says these were to pay for holidays in India and also had other purposes. It is not possible to determine this issue, but on balance of the evidence I do not find that financial control took place to a coercive level.

50. However, given the physical abuse that I have found, and given the tone and content of many of the texts I accept that the F did exercise coercive control generally over the M by controlling her actions and by supporting his parents and sister over her in a systematic and coercive manner. That does not mean that the M was entirely passive, and plainly she had a role in the arguments.

51. In respect of the incident on the night of the 5 December 2024 when the F came round to the house and rang the doorbell and banged on the windows. Having watched some of the door cam footage, I accept that the M has exaggerated what happened. Although the record of the 999 calls does appear to include some banging. However, the M's evidence has to be understood in context. The M and children had just fled DA to the uncle's house. Doubtless the M was scared and in a highly traumatised and dysregulated state. That she became extremely nervous and worried, and that has led to her exaggerating what happened, may cast doubt on some of her accounts, but it does not lead me to believe that she has deliberately lied.

52. I take a similar view on the events of the March 2025. The M and the children had moved to the parties jointly owned home and the M was unpacking. It was dark outside. The children say that they heard their Aunts outside calling them. There is evidence from the estate agent that she and the tenant came round to the property and rang the doorbell. When the M called the police she subsequently accepted that it was the estate agent that the children had heard, but the children continue to say it was their Aunts. I do not think this is evidence of the M alienating the children, I think it is evidence of alarmed and hypervigilant children, who may (or may not) have misunderstood what they heard. Ultimately, in the balance of issues in this case, it does not matter very much.

53. I do not find that the M has deliberately alienated the children from the F. Welfare

54. I have close regard to s.1 Children Act 1989 and the welfare checklist.

55. The SW has been the allocated social worker since November 2025, when he took over from the previous SW. He has met the children twice, once at school when he discussed their wishes and feelings with each child separately. The children told him that they did not wish to have contact with the F. The SW, who is an experienced social worker and gave very clear and balanced evidence, said that he thought this was the children's own views, and he had seen no evidence that the M had sought to influence them, or that they were only saying what they thought the M wanted to hear.

56. Ms Bath pointed out that the children had enjoyed the remote contact in December 2024-March 2025, and said their subsequent shift was because the M had alienated them from the F. She also emphasised the school, social services and police had at that stage seen no reason for the F not to have contact, but the M effectively used the police and safeguarding as a ground to stop contact.

57. The children have been consistent for at least a year that they do not want contact with their F. They are 9 years old, and therefore although their wishes and feelings are by no means determinative they do require respect. Further, it is in my view entirely clear that the children witnessed their F assaulting the M, as well as experiencing all the arguments and tensions in the household. I accept the SW's view that their shift to not wanting to see the F is probably because of them coming to terms with the trauma they have suffered. In my view it would plainly not be in their best interests to force them to see the F, or any other family member they do not want to see.

58. Having said that, as a general proposition it is good for children to know and spend time with both parents, see s.1A Children Act 1989. I am also very conscious that the children no longer see their PGPs, or the cousins of their own age who they used to spend much time with. This must be an emotional loss for the children, particularly in a community where extended families are very much the norm.

59. The children have now been placed on a Child in Need plan, and the local authority will work with the children and the M to help them through the trauma and see whether any steps can be taken to re-establishing a relationship with the F and the paternal family. I would encourage the newly allocated social worker to support a relationship with at least some parts of the paternal family. In my view that will be important for the children in developing their identity particularly through teenage years.

60. However, I am of the clear view that it is not in the children's' interests for there to be any order for direct, whether in person or electronic, contact at this time. It is strongly contrary to their wishes and feelings. Further I consider it would be emotionally harmful and destabilising for them in the light of the trauma they have experienced.

61. I will leave the development of contact if possible, for the local authority through the CiN plan. I will provide in the order for the F sending letters and cards four times a year, and on the children's birthdays. I hope the M will encourage them to read them, but that is a matter for the children.

62. I will make a s.91(14) order for one year. This litigation has been going on for well over 52 weeks and undoubtedly places a great strain on the M, and at least indirectly the children. The M needs a break, particularly in the light of the findings of abuse. There is also a need for the F to face up to the facts, and develop some understanding of why the children do not wish to see him. I would have considered making an order for longer, but Ms Hodgkiss did not suggest that I should do so.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE https://caselaw.nationalarchives.gov.uk/ewfc/2026/110

CASE PAGE https://chat.esheria.ai/case-law/england-and-wales/a-father-v-a-mother-2026

Prepared on 24 October 2026 · Esheria