IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.M.P. No. 994 of 2026

Ankit Kumar Singh, aged about 36 years, Son of Anil Kumar Singh, Resident of Abhishek Enclave, Flat No. 302, Hesag, Hatia, Near Devi Mandir, P.O. Hatia, P.S. Jagannathpur, District Ranchi, Jharkhand.

..**Respondent/Petitioner**

Versus

Smt. Megha Singh, wife of Ankit Kumar Singh, Daughter of Rajesh Kumar Singh, Resident of Abhishek Enclave, Flat No. 302, Hesag, Hatia, Near Devi Mandir, P.O. Hatia, P.S. Jagannathpur, District Ranchi, Jharkhand, presently residing at Village Dumri Bujurg, P.O. & P.S. Nayagaon, District Saran, Bihar.

...**Appellant/Opp. Party**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD

For thePetitioner : Mr. Rohit Sinha, Advocate
Md. Imran Hassan, Advocate
Mr. Vijay Shankar, Advocate
Mr. Paritosh Rai, Advocate

For the Respondent : ..

Order No.4 Dated 9th October 2026
Per Sujit Narayan Prasad, J.

Prayer:

1. The instant application has been filed under Section 151 of the Code of Civil Procedure, 1908, on behalf of the respondent-husband, the petitioner herein, seeking appropriate clarification and necessary modification of the order dated 15.05.2026 passed by this Court in First Appeal (Filing) No. 2181 of 2026, whereby the interim custody of the minor daughter was directed to be handed

over to the appellant-mother, the opp. party herein, with a direction for expeditious disposal of the pending Guardianship proceeding, without being prejudiced by the said order.

Brief case:

2. This Court, before dealing with the prayer made in the instant petition, needs to refer herein the factual aspect involved in the case.

3. The facts, in brief, as stated in the instant application, is that the marriage of the Petitioner and Respondent was solemnized in accordance with Hindu rites and rituals on 22.01.2017 at Nayagaon, Chapra (Saran), Bihar and out of the said wedlock a girl child was born on 18.07.2021 and has been residing in Ranchi since her birth. It is stated that after matrimonial disputes arose between the parties the appellant- Mother lodged an F.I.R. being Nayagaon P.S. Case No. 184/2024, on 20.09.2024 u/s 126(2), 115(2), 74, 85, 352, 351(2), 79 & 3(5) BNS and 3 & 4 of Dowry Prohibition Act, which was quashed by the Patna High Court, vide order dated 16.12.2025, against which the appellant preferred an S.L.P.(Criminal) 1731/2026 which is pending for adjudication.

4. It is further stated that the appellant-Mother, the opp. party herein, had initially filed a case under Hindu

Minority and Guardianship Act being Guardianship Case No. 09/2024 on 18.11.2024, before the Family Court, Chapra, Bihar, which was dismissed vide order dated 05.03.2025 on the point of territorial jurisdiction in view of Section 9 of the Guardianship & Wards Act.

5. Thereafter, the appellant-mother, the opp. party herein, instituted Original Suit (Guardianship Case) No. 250 of 2025 before the Family Court, Ranchi, seeking custody of the minor child. It is further urged that during the pendency of the said guardianship proceedings, the appellant-mother, the opp. party herein also moved an application under Section 12 of the Guardians and Wards Act, 1890, praying for interim custody of the minor child, which came to be disposed of by the learned Additional Family Court-II, Ranchi, vide order dated 20.11.2025, whereby visitation rights were accorded in favour of the appellant-mother, the opp. party herein.

6. The First Appeal (filing) No - 2181/2026 was preferred by the appellant-mother, the opp. party herein, against the said order dated 20.11.2025 passed by the Learned Additional Principal Judge, Additional Family Court-II, Ranchi in Original Suit No. 250 of 2025 arising out of proceedings under the Guardians and Wards Act, 1890.

7. This Court, after hearing the parties, disposed of the aforesaid Appeal vide order dated 15.05.2026, whereby the

order dated 20.11.2025 was set aside and the application filed by the appellant-mother, the opp. party herein under Section 12 of the Guardians and Wards Act, 1890 was allowed, with a direction to expeditiously dispose of the suit on merits, without being prejudice by the order passed by this Court.

Submission of the appellant:

8. Learned counsel for the applicant has submitted that the present petition has been filed as order dated 15.05.2026 passed in First Appeal (filing) No. - 2181/2026 requires modification/clarification in view of the fact that after passing of the impugned order, the respondent-wife, the petitioner in Guardianship Case No. 250 of 2025, is not turning up to participate in the on going proceeding.

9. The petitioiner, based upon the aforesaid ground, has sought for clarification/modification of order dated 15.05.2026 passed in First Appeal(filing) No. - 2181/2026 in the garb of review of direction/observation made at paragraph 96 of the judgment dated 15.05.2026.

10. Further submission has been made that the said clarification is also required for determining the jurisdiction of the court where Guardianship Case No. 250 of 2025 is currently pending, i.e., Ranchi District Court, because if the custody as granted by this court of the minor is till

pendency of the suit then the learned family court may not have jurisdiction to proceed further in terms of Section 9 of Guardianship and Wards Act, due to the change in ordinary residence of the minor child.

11. Therefore, submission has been made that in the changed facts and circumstances of the case this Court may make necessary modifications in the order dated 15.05.2026, in the interests of justice.

Analysis:

12. After having heard learned counsel for the parties, this court before proceeding to delve into the merit of the issue needs to refer herein the admitted factual aspect leading to filing of the instant miscellaneous case.

13. The marriage of the Petitioner and Respondent was solemnized on 22.01.2017 at Chapra, Bihar and out of the said wedlock a girl child was born on 18.07.2021 and has been residing in Ranchi since her birth.

14. After matrimonial disputes arose between the parties the appellant-mother, the opp. party herein lodged an F.I.R. being Nayagaon P.S. Case No. 184/2024, on 20/09/2024, u/s 126(2), 115(2), 74, 85, 352, 351(2), 79 & 3(5) BNS and 3 & 4 of Dowry Prohibition Act, which was quashed by Patna High Court vide order dated 16.12.2025, against which the appellant-mother, the opp. party herein

has preferred an S.L.P.(Criminal) 1731/2026, which is pending for adjudication.

15. The appellant-mother, the opp. party herein had initially filed a case under Hindu Minority and Guardianship Act being Guardianship case No. 09 of 2024 on 18.11.2024, before the Family Court, Chapra, Bihar, which was dismissed vide order dated 05.03.2025 on the point of territorial jurisdiction in view of Section 9 of the Guardianship & Wards Act.

16. Thereafter, the appellant-mother, the opp. party herein preferred an application before the Family Court Ranchi being O.S (Guardianship Case) No. 250/2025 for custody of the minor child.

17. It is further submitted that during pendency of the said suit the appellant-mother, the opp. party herein also preferred an application under Section 12 of Guardianship and Wards Act for temporary custody of the minor child wherein the Additional Family Court II, Ranchi was pleased to dispose vide order dated 20.11.2025, granting visitation rights to the appellant-mother, the opp. party herein. For ready reference, the relevant paragraph of the order dated 20.11.2025 is quoted hereunder as:

> "In present case the child is also of tender year only about 3 years and as submitted by the petitioner that after a visit on birth of the child he has not got any occasion to

see the child. ***Considering all these factual, emotional and practical aspects of the case as well as convenience of child who is of tender years, which is paramount consideration of this court, petitioner is directed to visit the child once in two months for 2-3 hours on any Holiday subject to mutual convenience but at the place to be decided by the respondent meeting with the child through Whatsapp, Google, Zoom etc for half and hour subject to convenience of the child preferably on Saturday or Sunday***. However, ***petitioner is directed to inform the respondent/ husband at least one week prior to exercise his visitation right in such a manner***. Accordingly, the instant petition is hereby disposed of."

18. The appellant-mother, the opp. party herein, being aggrieved thereof, approached this Court by invoking the jurisdiction conferred to this Court under Section 19(1) of the Family Courts Act, 1984, by filing appeal being First Appeal (filing) No. – 2181 of 2026.

19. The said appeal was adjudicated, by hearing both the parties at length, vide order/judgment dated 15.05.2026, relevant paragraphs of which are quoted as under:

> *"**89**. Simultaneously, this Court has also considered on the element of application of mind but what is being reflected from the impugned order that there is absolute non-application of mind for the reason that the learned Additional Family Judge has passed order for the purpose of getting permission by way of communication to be made by the appellant to the respondent through Whatsapp, Google, Zoom etc. for half an hour subject to convenience of the child preferably on Saturday 37 or Sunday but instead of that the approach should have been by directing the*

respondent-father to come with the child to avail the visitation right of the mother.

90. Having not done so, the order impugned suffers from element of perversity and non-application of mind.

91. This Court is of the view that without touching the main issue that whatever finding has been recorded based upon the conclusion suffers from error, reason being –

(i) That the convenience of the mother has not been taken into consideration due to the reason that she is living in the parental house and coming from the place which is 400 to 500 k.m. away from the destination to visit the child for 2 – 3 hours once in two months will be very harsh.

(ii) The mother has been asked to meet once in two months for 2 – 3 hours on any holiday subject to mutual convenience, how can it be said to be justified order?

(iii) It has been pleaded in the present petition and also in the main application filed under Section 12 of the Guardianship and Wards Act, 1890 difficulty is being shown by the mother/appellant that she is not getting any cooperation on the part of the respondent and due to the said non-cooperation of the respondent the appellant is not in a position to talk with her minor daughter over telephone.

(iv) It appears to this Court that the learned Additional Family Judge has not considered the convenience issue, the emotional feeling of a mother and instead of passing temporary custody in exercise of power conferred under Section 12 of the Guardianship and Wards Act, 1890, has only allowed the visitation right that too once in 2 – 3 months for 2 – 3 hours and for that prior permission is required from the husband and the meeting with the child through Whatsapp, Google, Zoom etc. for half and hour subject to convenience of the child preferably on Saturday or Sunday. This condition appears to be unreasonable.

92. This Court, considering the aforesaid submission/statement, is of the view that based upon the reason as referred hereinabove, the order dated 20.11.2025 passed by learned Additional Principal Judge Additional Family Court-II, Ranchi in Original Suit No.250 of 2025 needs interference.

93. Accordingly, the order dated 20.11.2025 is hereby quashed and set aside.

94. In consequence thereof, the petition filed by the appellantpetitioner under Section 12 of the Guardianship and Wards Act, 1890 before the court of learned Additional Principal Judge Additional Family Court-II, Ranchi in Original Suit No.250 of 2025 is hereby allowed.

95. The instant appeal stands allowed.

96. In consequence thereof, the custody of the child is being handed over to the appellant-mother by way of temporary/interim measure, depending upon the final outcome of the suit which is lying pending before the Family Court.

97. Being the appellate Court, this Court has only gone into the material as available on record as well as the trial court record and the impugned order so as to assess as to whether the finding recorded by the learned trial court suffers from error being apparent on the order, nothing more nothing less.

98. Since the suit is pending and, as such, let the learned Additional Family Judge-II, Ranchi decide the suit expeditiously and without granting any unnecessary adjournment.

99. It is made clear that the learned Additional Family JudgeII, Ranchi while adjudicating the issue will not be prejudiced by any part of the order as has been referred herein."

20. The petitioner-father, being aggrieved with order dated 15.05.2026 passed in First Appeal(filing) No – 2181 of 2026, approached Hon'ble Supreme Court by filing Special Leave Petition, being S.L.P. Civil No 18933 of 2026, which was registered on 19.05.2026. The Hon'ble Apex Court, after hearing the petitoiner-husband declined to interfere with the order impugned, however, while disposing of the

S.L.P. vide order dated 29.05.2026 granted liberty to seek clarification of the impugned order. For ready reference, order dated 29.05.2026 passed in S.L.P. (Civil) No. 18933 of 2026 is quoted hereunder as:

> "*We dispose of this Special Leave Petition by reserving liberty to the petitioner herein to make an application seeking clarification of the impugned order.*
>
> *It is needless to observe that if such an application is made, the High Court shall hear the respective parties and pass orders on the said application in accordance with law. Pending application(s) shall stand disposed of."*

21. With the liberty aforesaid, the petitioner preferred Civil Misc. Petition being C.M.P. No. 597 of 2026, seeking modification of order dated 15.05.2026 passed in First Appeal (filing) No – 2181 of 2026. The said petition was listed on Board. The learned counsel for the petitioner, after some argument, sought for leave of this Court not to press the petition. Accordingly, the said C.M.P. was dismissed as withdrawn vide order dated 22.06.2026, granting liberty to the Petitioner to file an appropriate application before the competent forum. For ready reference order dated 22.06.2026 passed in C.M.P. No. 597 of 2026 is being quoted hereunder as:

> "*The instant petition is being preferred for clarification of the order dated 15.05.2026 passed by this Court in First Appeal (Filing) No. 2181/2026 in view of liberty given by the Hon'ble Supreme Court vide*

order dated 29.05.2026 passed in S.L.P. Civil No 18933/2026.

2. Heard the learned counsel for the petitioner.

3. ***Mr. Rohit Sinha, learned counsel appearing for the petitioner, after some argument, seeks leave of this Court to withdraw the present petition, as he does not wish to press the same, with liberty to file an appropriate application before the competent forum.***

4. In view of the aforesaid submission, the prayer is allowed.

5. Accordingly, the instant civil miscellaneous petition, being C.M.P. No. 597 of 2026, stands dismissed as withdrawn and is, as such, disposed of with the aforesaid liberty."

22. But the petitioner, instead of availing the liberty to file appropriate application before competent forum, which was sought for and granted by this Court vide order 22.06.2026 passed in C.M.P. No. 597 of 2026, for the self-same relief, seeking modification of order dated 15.05.2026 passed in First Appeal (filing) No. – 2181 of 2026, again filed the instant Civil Misc. Petition being C.M.P. No. 994 of 2026 in garb of review of order dated 15.05.2026 in particular paragraph 96 and 98 of the said order, which would be evident from the pleading to that effect made in the instant petition, as under paragraph 23, which is quoted as under:

*"**23**. That in the abovementioned facts and circumstances a question arises as to whether any party can be allowed defeat justice by illegally deriving*

> *benefit from the Court's order. Moreover, the direction contained in paragraph 96 of the Hon'ble High Court's Order was not intended to continue indefinitely. As stated herein above on one hand the Respondent Mother is evading Court proceedings whereas on the other hand she has got published her version of the said order dt.15/05/2026 in several daily newspapers on 03/08/2026, i.e., the date Guardianship suit was fixed for Respondent's/Mother's Evidence, without maintaining anonymity, thereby putting the Right to privacy of the Petitioner - Husband as well as the minor child in grave danger."*

23. The question, therefore, arises as to whether in the fact where for the self same relief, as has been sought for in the present C.M.P., earlier one petition, being C.M.P. No. 597 of 2026 was filed which was dismissed as withdrawn by learned counsel for the petitioner, the present CMP [CMP No.994 of 2026] is worth to be considered.

24. The main thrust of the argument of learned counsel for the petitioner is that it is only for clarification of order dated 15.05.2026 passed in First Appeal (filing) No – 2181 of 2026 and particularly the observation made at paragraph 96, wherein while giving temporary/interim custody of the child to the mother, this Court made observation that it will depend upon the final outcome of the suit, which is lying pending before the learned family court. Submission has been made that the appellant-mother, the opp. party herein, [the petitioner before the trial court] taking advantage of the

observation made at paragraph 96 is not appearing in the suit.

25. So far as the issue of non-appearance of the appellant-mother, the opp. party herein in the suit being Original Suit No. 250 of 2025 is concerned, the same is not fit to be considered in a petition filed under Section 151 CPC due to the reason that if either of the party is not appearing in the pending proceeding, it is up-to the Court concerned to take the decision in accordance with law. But it appears that in the garb of ground having been taken of alleged non-participation of the appellant-mother, the opp. party herein, in the suit before the family judge, again clarification has been sought for and earlier to this one Civil Misc. Petition being CMP No. 597 of 2026 was filed which was dismissed as withdrawn on the prayer made by learned counsel for the petitioner, as quoted and referred above.

26. Further prayer has been advanced taking the ground of non-appearance of the appellant-mother, the opp. party herein [petitioner before the trial court], that a time frame may be given for conclusion of the pending proceeding.

27. This Court is of the view that this Court while passing order dated 15.05.2026 in First Appeal (filing) No. – 2181 of 2026 has already made an observation at paragraph 98 to decide the suit expeditiously and without granting any unnecessary adjournment, and the said order has been declined to be

interfered with by the Hon'ble Apex Court, and as such in that view of the matter, it would not be just and proper to modify the said order by passing order to decide the pending proceeding within specific time frame.

28. Even otherwise also, the time-frame cannot be given on the basis of proposition laid down by Hon'ble Apex Court in the case of ***High Court Bar Association, Allahabad vs. State of Uttar Pradesh & Ors [(2024) 6 SCC 267]***, wherein it has been held that in the ordinary course, the Constitutional Courts should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts.

29. Further the Hon'ble Apex Court in the case of ***Sangram Sadashiv Suryavanshi Vs.The State Of Maharashtra 2024 INSC 899*** has deprecated the practice of the court to frame the time limit for disposal of the particular case. For ready relevant paragraph of the said order is being quoted herein which reads as under:

> *"In paragraph 47.3 of the decision of a Constitution Bench of in the case of 'High Court Bar Association, Allahabad vs. State of Uttar Pradesh & Ors.'1 , this Court has held that in the ordinary course, the Constitutional Courts should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts. Paragraph 47.3 reads thus:*
>
> *"47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts.*

> *Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending;"*

30. This Court in view of the discussion made hereinabove is of the view that the present petition has been filed in garb of seeking modification of order dated 15.05.2026 in First Appeal (filing) No. – 2181 of 2026, for which the earlier CMP [CMP No. 597 of 2026] has already been dismissed as withdrawn on the prayer made by learned counsel for the petitioner, as quoted and referred hereinabove, for review of order dated 15.05.2026 in First Appeal (filing) No – 2181 of 2026, which is not tenable.

31. So far as the issue of jurisdiction, as has been raised by learned counsel for the petitioner is concerned, the same is also not worth to be considered when the matter is going on before the learned family judge under the jurisdiction of Ranchi Judgeship.

32. This Court, in that view of the matter, is of the view that the issue of jurisdiction, which is now being agitated is not worth to be considered.

33. This Court, in entirety of the facts and circumstances and discussions made herein above, is of the view that the there is no merit in the instant application.

34. Accoridngly, the present petition stands dismissed.

35. Pending Interlocutory Application, if any, stands disposed of.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

9th October, 2026

*Alankar***/ N.A.F.R.**

Uploaded on 09.10.2026