(2026: JHHC:31634-DB)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
F.A No. 122 of 2024

Chandani Devi, aged about 32 years, daughter of Debi Das, resident of Mohalla Ambedkar Nagar, Godda, P.O. and P.S. Godda, District Godda At present residing at Thari Dulampur, P.O. Deosang, P.S. Kunda, District Deoghar, Jharkhand …. .... …. Respondent / Appellant

Versus

Ram Kumar Mehra, son of Jag Jeevan Mehra, resident of Ambedkar Nagar, Godda, P.O. and P.S. Godda, District Godda

... ... Petitioner / Respondent.

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellant: Mr Arvind Kumar Choudhary, Advocate
Mr Prathik, Advocate
Mr Shambhu Nath Tiwary, Advocate
For the Respondent: Ms Rajni Singh, Advocate

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14 / Dated: 29.10.2026

***Per M.S. Sonak, C.J*:**

1. Heard Mr Prathik, who appears with Mr Shambhu Nath Tiwary for the appellant (Chandani Devi), and Ms Rajni Singh, learned counsel appearing for the respondent (Ram Kumar Mehra).
2. Ms Anu Priya and Ms Nilu Priya, the two minor daughters aged 15 and 14 years respectively, are also present, and we have interacted with them, since this case is being taken up in chambers. Similarly, Mr Ram Kumar Mehra (respondent) and his father, Mr Jagjeevan Mehra, are also present, and we have interacted with them as well.
3. At the request of and with the consent of the learned counsel for the parties, we propose to dispose of this appeal finally because a broad-based agreement has been reached between the parties.
4. This appeal is against the judgment dated 30.08.2023, followed by the decree dated 18.09.2023, in Original Suit No. 70 of 2020, passed by the Family Court, Godda, which directed the appellant (Chandani Devi) to hand over the custody and guardianship of Ms Nilu Priya to Mr Ram Kumar Mehra (respondent).

5. Presently, Ms Anu Priya, the elder daughter, stays with her father Ram Kumar Mehra (respondent) at Godda and is studying at St. Thomas School, Godda, which is affiliated to the ICSE.

6. Ms Nilu Priya, the younger daughter, is presently studying at Kasturba Gandhi Balika Uchh Vidyalaya, Rohini, Deoghar. This school is a boarding school where, Ms Nilu Priya presently resides during the school terms. Earlier, Ms Nilu Priya stayed with her maternal grandparents in Deoghar. However, Ms Nilu Priya's maternal grandmother passed away in October 2025.

7. Mr Prathik, learned counsel for the appellant (Chandani Devi), on specific instructions, stated that the appellant is presently satisfied with the present position, but visitation rights must be assured to the appellant. He further submitted that if the two minor daughters wish to come and stay with the appellant for some time during holidays or vacations, or if the appellant wishes to have them stay with her during holidays, vacations or some special occasions, liberty may be reserved to the appellant to apply to the appropriate Court for such relief.

8. Mr Prathik submitted that custody orders should never be regarded as final, and the parties should always be given an opportunity to apply for variation if the situation demands it or the need arises.

9. Ms Rajni Singh, learned counsel for the respondent and the respondent present in Court, submitted that the respondent has no objection, insofar as visitation rights are concerned. She further submitted that if and when the appellant files any application, as suggested by Mr Prathik, the Court may issue directions that the application be considered in accordance with law, after adverting to all relevant parameters, including the wishes of the two daughters and their paramount interest.

10. Ms Rajni Singh, learned counsel for the respondent, tried to submit that it would be better if Ms Nilu Priya is also admitted to St. Thomas School, Godda, so that both daughters can study in the same school and stay with the father at Godda.

11. Accordingly, we interacted with Ms Nilu Priya to ascertain her wishes. Ms Nilu Priya clearly stated that she is comfortable studying at Kasturba Gandhi Balika Uchh Vidyalaya, Rohini, Deoghar, by staying in the boarding/hostel. She stated that she would prefer this arrangement to continue, with both parents able to visit her on the assigned visiting days/hours. She stated that during holidays or vacations, she would like to stay with her father.

12. Though we tried to gently reason with Ms Nilu Priya about the advantages of shifting to St. Thomas School at Godda from the next academic session, she clearly stated that she was comfortable with the boarding attached to her present school at Deoghar and would like to continue there.

13. We have been informed that Kasturba Gandhi Balika Uchh Vidyalaya, Rohini, Deoghar, is also a good school. If Ms Nilu Priya has settled up in the said school and its boarding, there is no point in disturbing this situation. Ultimately, in these matters, the interest of the minor child is paramount. Such interest would not be compromised, but rather, it would be furthered by allowing the present situation to continue.

14. If, at a later stage, the respondent wishes to change Ms Nilu Priya’s school, such a change shall be applied for or effected only after obtaining Ms Nilu Priya’s consent. This is because Ms Nilu Priya is already 14 years old. From our interactions with her, we are satisfied that she can make decisions which concern her. Therefore, we think that her autonomy should not be ignored.

15. The appellant (Chandani Devi) is granted visitation rights, and the respondent should not obstruct her from visiting and meeting both Ms Anu Priya and Ms Nilu Priya at all reasonable times, after giving due intimation to the respondent. Mr Ram Kumar Mehra, present in Court with his father, assured the Court that he will treat the appellant with the dignity she deserves, keeping in mind that she is the mother of his two minor daughters.

16. Similarly, Mr Prathik, the learned counsel for the appellant, has also stated that the appellant will treat Mr Ram Kumar Mehra and his family members with all the dignity that they are entitled to, given the fact that they are also the closest relations of her minor daughters, Ms Anu Priya and Ms Nilu Priya.

17. We also grant the appellant liberty to apply to the Family Court for variation of this order, or, rather, the impugned judgment and decree, to the extent of seeking relief that the two minor daughters stay with, or spend time with, the appellant during holidays, vacations, or special occasions. If such an application is made, the Family Court will decide it in accordance with law. This would also include ascertaining the wishes of the minor children, which would be one of the considerations, though not the sole one, in deciding such an application. All contentions of all parties that may arise are specifically kept open to be decided by the Family Court if and when any such occasion arises.

18. At this stage, we note that the appellant (Chandani Devi), pursuant to the decree of divorce which she has not challenged, has already remarried and has a child with her second husband. Accordingly, we appreciate the appellant’s stance of not insisting on guardianship or custody, but restricting her claim to visitation rights. At the same time,

we also appreciate the approach of Mr Ram Kumar Mehra and his father, Jagjeevan Mehra, in welcoming the claim for visitation rights.

19. Now that the parties have reached the above agreement, we see no reason to disturb the decree insofar as it relates to the guardianship and custody of the minor children. The decree is affirmed, but with the above-referred modifications, most of which are based on the parties' agreement.

20. As contended by Mr Prathik, the custody orders, notwithstanding their nomenclature, are never permanent. If and when any situation arises, the parties may seek variation from the competent Court by making out a case to that effect. Such liberty is always reserved to the parties.

21. The appeal is disposed of in the above terms without any order for costs. The impugned judgment and decree is affirmed, but subject to the modification referred to above. Pending interlocutory applications, if any, are also disposed of.

22. We appreciate the parties' and their Advocates' reasonable stance in resolving the disputes between the parties while keeping in mind the interests of their two minor daughters.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

October 29, 2026
Ranjeet/Cp. 2
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