



2026:AHC:173074

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 759 of 2026

Riddhie Jaiswal Minor

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Devaang Savla, Utkarsh Srivastava
Counsel for Respondent(s)	: Anju Shukla, G.A., Shailendra Nath Tiwari, Shailesh Pandey

Court No. - 73

HON'BLE SANDEEP JAIN, J.

By order dated 09.07.2026, temporary custody of the corpus, Riddhie Jaiswal, was handed over to the petitioner, Dr. Ashish Prakash Jaiswal, while respondent No.4, Chandani Jaiswal, the estranged wife of the petitioner, was granted visitation rights and was also permitted to interact with the corpus through video conferencing. Today, the petitioner, Dr. Ashish Prakash Jaiswal, respondent No.4, Chandani Jaiswal, and the corpus, Riddhie Jaiswal, are present before this Court.

This Court interacted with the corpus, Riddhie Jaiswal, who stated that she was quite comfortable with her father and was residing with him. She further stated that her paternal grandparents were also residing with them at Amravati, Maharashtra, where the petitioner is presently residing. From the demeanor and conduct of the corpus, it was apparent that she has developed a strong emotional bond with the petitioner and feels secure and comfortable in his company and custody. She unequivocally expressed her desire to continue residing with her father, Dr. Ashish Prakash Jaiswal.

This Court also interacted with the petitioner, Dr. Ashish Prakash Jaiswal, who disclosed that, in the meantime, an ex parte decree of divorce had been passed by the learned Judge, Family Court, Amravati, on 30.07.2026, whereby his marriage with respondent No.4, Chandani Jaiswal, stood dissolved. He submitted that he has been taking proper care of the corpus and that her well-being and demeanor before the Court

demonstrate that she is being adequately looked after. He, therefore, prayed that, in view of the subsequent developments, permanent custody of the corpus be entrusted to him. He further submitted that he is a doctor by profession and is financially capable of providing for the corpus and attending to all her needs.

This Court also interacted with respondent No.4, Chandani Jaiswal. She alleged that the petitioner had fraudulently obtained the ex parte decree of divorce, as, according to her, no notice of the proceedings had ever been served upon her. She submitted that she was willing to reside with the petitioner in their matrimonial home, however, in view of the decree of divorce obtained by the petitioner, such an arrangement is no longer legally or practically feasible. She claimed permanent custody of the minor corpus. However, having regard to the interaction of the Court with the corpus, her unequivocal expression of preference, and the strong emotional bond which she appears to have developed with the petitioner, this Court is not persuaded to disturb the existing custody of the corpus.

Respondent No.4 further submitted that, although she has been granted visitation rights, she is unable to visit the residence of the petitioner as certain criminal cases have been registered against her and she apprehends her arrest by the Maharashtra Police. Be that as it may, the apprehension expressed by the respondent on this count is a matter which lies beyond the scope of the present proceedings, and no direction in that regard can appropriately be issued in the instant writ petition.

The respondent also complained that, although she has been permitted to interact with the corpus through video conferencing, the petitioner frequently interferes in such interaction, thereby preventing her from having any meaningful and unhindered communication with the corpus. In support of her submission, she produced before the Court a video recording of one such interaction. Upon viewing the said recording, it is apparent that the petitioner was sitting beside the corpus and was repeatedly intervening during the interaction between the corpus and the respondent.

In the circumstances, it is directed that, while facilitating the interaction

between the corpus and respondent No.4 through video conferencing, the petitioner shall not interfere with, interrupt, or otherwise impede such interaction. The respondent has already been granted the right to interact with the corpus every day between 06:00 P.M. and 09:00 P.M. Such interaction shall be permitted in a free, unhindered and meaningful manner, without any interference by the petitioner.

It is further clarified that respondent No.4 shall also be at liberty to visit the residence of the petitioner for the purpose of meeting and interacting with the corpus without causing any disturbance to the petitioner or the corpus.

Having regard to the overall circumstances of the case, the interaction of the Court with the corpus, her expressed preference, her evident emotional attachment with the petitioner, and the fact that she appears to be comfortable, secure and well cared for in his custody, this Court is of the considered view that the welfare and best interests of the corpus would be served by continuing her custody with the petitioner. Accordingly, permanent custody of the corpus, Riddhie Jaiswal, is hereby entrusted to the petitioner, Dr. Ashish Prakash Jaiswal, subject to the visitation and interaction rights of respondent No.4 as indicated hereinabove.

With the aforesaid observations and directions, the writ petition stands **disposed of.**

(Sandeep Jain,J.)

August 17, 2026
Himanshu