



2026:AHC:191755

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 527 of 2026

Parikhshith Pradhan (Minor) And 3 Others

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Devaang Savla, Utkarsh Srivastava
Counsel for Respondent(s)	: Anurag Sharma, Bharat Singh Pal, Kshitij, Prashant Kumar Singh, G.A.

Court No. - 73

HON'BLE SANDEEP JAIN, J.

Order on Civil Misc. Modification Application No.5 of 2026:-

The instant modification application has been filed seeking modification of the order dated 09.07.2026 passed in Habeas Corpus Petition No. 527 of 2026. The principal ground urged in support of the application is that, although this Court, during its interaction with the minor corpus through video conferencing, had observed that the corpus appeared to have been tutored by his mother, the said observation has not been specifically incorporated in the order dated 09.07.2026.

Learned counsel for the applicant submits that recording such an observation in the order would be of assistance to the petitioner in any future litigation, whereas omission thereof may cause prejudice and result in loss or injury to the applicant.

The aforesaid prayer has been vehemently opposed by learned counsel appearing for respondent Nos. 4 to 6, who submits that there is no error, omission or apparent infirmity in the order dated 09.07.2026 warranting any modification. It is further submitted that the minor corpus continues to be unwilling to interact with his father and, therefore, he cannot be compelled by an order of this Court to engage in any conversation or interaction with the petitioner against his wishes.

I have heard learned counsel for the parties and perused the record.

This Court may recall that, on 09.07.2026, the minor corpus was interacted with by this Court through video conferencing, which was facilitated by the Indian Embassy at Dubai. At the commencement of the interaction, the corpus was in the company of his mother and had declined even to interact with his father. At the instance of this Court, the mother was directed to leave the corpus alone, whereafter this Court interacted with him independently. The substance and salient features of the interaction have already been duly recorded in the order dated 09.07.2026. Therefore, this Court finds no justification for reproducing or supplementing the said order by incorporating any further observation regarding the alleged tutoring of the corpus.

It is also significant that the corpus is stated to be about 15 years of age and, therefore, is of an age and maturity at which he is capable of forming and expressing his own views. Merely because the corpus may have been exposed to or influenced by the views of his mother, it cannot, in the absence of any cogent material, be conclusively inferred that his present disposition towards his father is wholly the result of tutoring or parental influence. The possibility of some influence cannot, by itself, lead to the conclusion that the corpus lacks an independent understanding or perception of his relationship with his father.

Moreover, this Court cannot compel a minor, particularly one of such age and discernment, to converse or interact with a parent against his expressed wishes. The Court's jurisdiction in a habeas corpus proceeding concerning the custody of a minor is exercised keeping in view the welfare, dignity, emotional well-being and wishes of the child, subject always to the facts and circumstances of each case.

The modification jurisdiction cannot be invoked merely for the purpose of introducing an additional observation which was neither necessary for nor determinative of the adjudication made by this Court. No error apparent on the face of the record, omission requiring correction, or circumstance warranting modification of the order dated 09.07.2026 has been demonstrated.

In view of the foregoing, no ground is made out for entertaining the

present modification application. The application is, accordingly,
dismissed.

(Sandeep Jain,J.)

September 14, 2026
Himanshu