



2026 INSC 818

Non-Reportable

**IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION**

Contempt Petition (C) No.251 of 2026

In

Criminal Appeal No.623 of 2025

Ashok Kumar Tiwari

....Petitioner

Versus

Vivek Kumar Chaturvedi and Ors.

....Respondents

ORDER

The above contempt petition was filed by the maternal grandparents of the minor child, alleging non-compliance of the judgment passed at Annexure P2. Unfortunately, the mother of the child, the daughter of the petitioner is no more, and the grandparents were looking after the child.

2. Relying on the decisions of this Court, which permitted consideration of the custody of a child under Article 226 of the Constitution of India, when it was sought by the father, the natural guardian, we were persuaded to handover the custody to the father, one of the respondent contemnors herein. We also noticed the fact

that the paternal grandfather had deposited an amount of Rs.10 lakhs in the child's name and also had taken out a life insurance policy of Rs.25 lakhs, the beneficiary of which is the minor child. The father was holding a responsible position in the administrative services of the State, who had remarried, purportedly for ensuring due care of the minor child.

3. The child having been separated from the father in 2021, we directed the custody to be continued with the grandparents till 30.04.2025, till the end of the academic year. The father was allowed to familiarize with the child during the said period on alternate weekends and also was also permitted to take the child to his paternal house during second Saturdays. On 01.05.2025, the child was to be handed over to the custody of the father in the presence of the jurisdictional Station House Officer. The grandparents were also given visitation rights, post handing over of the custody, permitting them to take the child to their house on every second Saturday, starting from June 2025.

4. The contempt petition was filed, alleging that the child was not even once sent to the grandparents. The father raised a contention that the grandparents also did not come to take custody

of the child during second Saturdays. Admittedly, the father has now moved from the earlier location due to transfer, which is said to be far from the house of the grandparents.

5. On the last date of hearing, after hearing the parties we passed an order on 31.07.2026, directing the child to be produced before us today. The respondent Nos.2 and 3 who are impleaded as contemnors were relieved from personal appearance.

6. Today when we took up the matter in the Committee Room, first we interacted with the child. Suffice it to observe that having interacted with the child we are of the opinion that the interest and welfare of the child would be best served if he is allowed to be looked after by his grandparents. The three maternal uncles of the child also resides with his grandparents, one of whom was present before us, who submitted that, in fact, the child had obtained admission in one of the prestigious institutions and even the fees were paid, when the order was passed handing over the custody of the child to the father.

7. Considering the overall circumstances, we are of the opinion that the child should be handed over to the grandparents. The maternal uncle was allowed to take the child from this Court. We

make it clear that insofar as the claim for maintenance, the grandparents would be entitled to pursue the same in accordance with law. As far as visitation rights are concerned, the father has to first build confidence in the child and if the child also desires, the father may be allowed to visit the child, once in three months but under strict supervision of the grandparents or maternal uncles.

8. We quite realize that we were dealing with a contempt case but after interacting with the child, we were of the opinion that exercise of the *parens patriae* jurisdiction is expedient, under which, we have passed the above order.

9. The contempt case stands closed but with the aforesaid directions regarding the custody of the child.

10. Pending application(s), if any, shall stand disposed of.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
AUGUST 07, 2026.**