

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (CvL.) No. 629 of 2026

Jyoti Tiwary

... .. Petitioner

Versus

The State of Jharkhand and Anr.

... ..Opp. Parties

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner

: In-Person

Mr. Soumitra Baroi, Advocate

Mr. Rakesh Kumar No.2, Advocate

For the O.P.-State

: Mr. N.K. Singh, Advocate

03/Dated: 05th August, 2026

1. The party in-person, the petitioner, is present physically in the Court and although she has engaged counsel to represent her case but she has sought for leave of this Court to address the Court in-person.
2. Considering the submission, such leave is granted to the party-in-person, the petitioner, in the ends of justice.
3. This Court was hearing the matter on 08.07.2026 and on that date, Mr. Nawin Kr. Singh, learned counsel sought for time to file vakalatnama to represent the opp. party no.2 and accordingly, the matter was adjourned on that date to be listed on 05.08.2026, i.e., today.
4. Vakalatnama has been filed and today, Mr. Nawin Kr. Singh, learned counsel is present to represent the opp. party no.2.
5. It is a case where the proceeding has been sought to be initiated against the opp. party no.2 for disobedience of the order dated 20.09.2024 passed in C.M.P. No. 533 of 2024.
6. It is the grievance of the petitioner that a suit being Original Suit (Guardianship) No.539 of 2023 had been preferred for seeking custody of the minor child by the opp. party no.2. The petitioner had filed an application under Order VII Rule 11 of CPC read with Section 9 of the Guardians and Wards Act, 1890 but the same was rejected on 10.04.2024.

7. The petitioner against the said order of rejection dated 10.04.2024 passed by the learned Additional Principal Judge, Addl. Family Court-II, Ranchi had preferred a petition by invoking the jurisdiction conferred under Section 227 of the Constitution of India being C.M.P. No. 533 of 2024.
8. It has been contended that after giving the detailed hearing to the parties, the order dated 10.04.2024 passed in Original Suit (Guardianship) No.539 of 2023 had been quashed and set aside vide order dated 20.09.2024 with the liberty to the opp. party no.2/respondent to approach the court having its jurisdiction.
9. It is the case of the petitioner that even though the order dated 10.04.2024 has been quashed and set aside which itself clarifies that the order which was passed under Order VII Rule 11 of CPC for all practical purposes it will be deemed that no application is pending before the concerned Court but the Court has proceeded and to substantiate the same, the order dated 24.02.2025 has been appended as Annexure-2.
10. It has been submitted that the Court has proceeded as if there is no order passed by this Court under Article 227 of the Constitution of India on 20.09.2024 and by taking note of non-appearance of the petitioner on 06.01.2025, 17.02.2025 and on 24.02.2025, view has been expressed that the petitioner is having no interest in the proceeding of the case, as such, the Original Suit No. 539 of 2023 had been dismissed for default which is absolutely an incorrect order and is in the teeth of the order passed by this Court under Article 227 of the Constitution of India.
11. It has further been contended that on 03.12.2025 one civil review petition was filed by the opp. party no.2 before this Court being Civil Review No.39 of 2025 which was dismissed as withdrawn on the prayer made by the learned counsel for the opp. party no.2. The copy of the said order has been placed before this Court by supplying the same to the learned counsel for the opp. party no.2.
12. It has been contended that the moment the order dated 10.04.2024 has been quashed and set aside which was the reversal of the order passed

under Order VII Rule 11 of CPC, then the Court, i.e., the Court of learned Additional Principal Judge, Family Court, Ranchi will have no jurisdiction and the same cannot be said to be a pending proceeding before the concerned Court.

13. It has further been pointed out that after the aforesaid case having been dismissed for non-prosecution vide order dated 24.02.2025, the restoration application has been preferred for restoration of the Original Suit No. 539 of 2023, however, it is pending and no order has been passed.
14. The petitioner, who is appearing in-person, has submitted that once the jurisdiction of the Court of learned Additional Principal Judge, Family Court has already been decided in exercise of power conferred under Article 227 of the Constitution of India, then, the concerned court ought not to have proceeded with the proceeding but not only the proceeding has been kept pending, the orders are also being passed though the liberty has already been granted to the opp. party/respondent to approach the court having jurisdiction.
15. In view of the aforesaid facts, the present contempt case has been filed.
16. This Court, before passing further necessary order, is of the view that a report from the learned Judicial Commissioner is required to be called for.
17. Accordingly, let a report in this regard be called for from the learned Judicial Commissioner.
18. Let the original record of the case be also called for from the concerned court.
19. Let this case be listed on 09.09.2026.

(Sujit Narayan Prasad, J.)

05th August, 2026

Saurabh/-