

Constitution of India, Article 142 - Custody of child - In matters such as the present, the welfare of the minor child is of paramount concern -

The jurisdiction of this Court under Article 142 of the Constitution is a facilitative constitutional instrument to advance substantive justice - In exercise of these powers, we are of the view that the arrangement which has been arrived at during the pendency of the proceedings should be modified so as to best subserve the interests of the child - The technicality of whether or not the appellant has challenged the Family Court's order dated 1 March 2018 cannot obfuscate the core issue which is the welfare of the child - Allowing this case to be lost in a maze of technicalities involving a formal challenge to the order, will eventually lead to the child staying in Bengaluru with the maternal grandparents, while the mother is employed in Singapore - The child will lose a year of education in Singapore, which is an additional reason for the exercise of the jurisdiction under Article 142 - We have informed that Singapore is Covid free and the child would be able to attend regular school and some on-line classes.

Undoubtedly, the respondent, as the father, is entitled to have adequate rights of access and visitation - A balance has to be drawn so as to ensure that in a situation where the parents are in a conflict, the child has a sense of security - The interests of the child are best subserved by ensuring that both the parents have a presence in his upbringing - Guardian and Wards Act, 1890 (8 of 1890) - Hindu Minority and Guardianship Act, 1956 (32 of 1956) - [Hindu marriage Act](#), 1955.

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