

ITEM NO.302

COURT NO.7

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transfer Petition(s)(Civil) No(s).28/2026

PRIYA PARIYANI

Petitioner(s)

VERSUS

PUNIT GUPTA

Respondent(s)

[TO BE TAKEN UP AT 3:00 PM IN THE COMMITTEE ROOM].....[PART
 HEARD BY: HON'BLE MR. JUSTICE J.B. PARDIWALA AND HON'BLE MR.
 JUSTICE K.V. VISWANATHAN]

IA No. 17332/2026 - EXEMPTION FROM FILING O.T.

IA No. 2812/2026 - EXEMPTION FROM FILING O.T.

IA No. 17331/2026 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES

IA No. 2806/2026 - STAY APPLICATION

WITH

T.P.(C) No. 251/2026 (XVI-A)

IA No. 29470/2026 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 29464/2026 - EXEMPTION FROM FILING O.T.

IA No. 29462/2026 - STAY APPLICATION

Date : 06-05-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
 HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Ms. Karuna Nundy, Sr. Adv.
 Ms. Nidhi Mohan Parashar, AOR
 Ms. Shivangshi Mitra, Adv.
 Mr. Shiv Mehrotra, Adv.
 Mr. Vikrant Kumar, Adv.

For Respondent(s) : Ms. Geeta Luthra, Sr. Adv.
 Mr. Nikhil Beniwal, AOR
 Mr. Pawan Singh Tanwar, Adv.
 Mr. Gyanendra Casshyap, Adv.
 Mr. Pulkit Duhan, Adv.
 Ms. Kamakshi Gupta, Adv.
 Mr. Manas Aggarwal, Adv.
 Ms. Prashansika Thakur, Adv.
 Mr. P. Parashar, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

1. Our last order dated 25.02.2026 reads thus:-

- “1. In pursuance of our Order dated 13-2-2026, parties are present before us with their two lovely children named Kian aged 2 ½ years and Ishika aged 5 months.*
- 2. The petitioner - Priya is accompanied by her parents.*
- 3. The Respondent - Punit has travelled from Kota, Rajasthan.*
- 4. We are informed that Priya is serving with Delta Airlines in Bangalore. She is residing with her parents and her five months old Ishika.*
- 5. Punit is residing in Kota along with his 2 ½ years old son Kian.*
- 6. We had a talk with both priya and Punit.*
- 7. There are two transfer petitions before us both preferred by Priya. One Transfer Petition is with respect to the proceedings instituted by Punit under the Guardians and Wards Act and the other proceeding relates to divorce.*
- 8. In our Order dated 13-2-2026, we very categorically stated that whatever may be the dispute between Punit and Priya, the siblings should grow up together. They should not be deprived of the love and affection for each other.*
- 9. Today, in the course of the hearing in the Committee Room, we ourselves noticed the strong bonding between the brother and the sister.*
- 10. Even if we go by the provisions of Section 6 of the Hindu Minority and Guardianship Act, 1956, more particularly Section 6, the custody of a minor who has not completed the age of 5 years shall ordinarily be*

with the mother. We also feel that the best interest of the child would be to stay with her mother.

11. In such circumstances, as an interim measure, we direct that Kian would stay with her mother Priya in Bangalore. Punit has expressed his desire to settle in Bangalore so that he can meet his children as and when he would like to meet. Punit will have to make the necessary arrangements. Punit also expressed his desire to stay in the very same apartment building. We make it explicitly clear that Punit shall not do anything by which Priya or her parents are offended in any manner and the same shall apply vice versa. Priya should also not do anything by which Punit is offended or his parents are offended in some way or the other. We are informed that Punit has the mobile handset of Priya. The mobile handset shall be handed over to Priya at the earliest.

12. We make it clear that none of the parties shall initiate any criminal action against each other without informing this Court.

13. We shall take up this matter once again on 6-5-2026. On 6-5-2026, parties shall once again appear before us with their children.

14. At this stage, we would like to observe that Punit wants to save his marriage at any cost. However, Priya is reluctant. It is now upto Punit and Priya to talk with each other and try to explore the possibility of saving the marriage, keeping in mind the interest of their two minor children.

15. As a Court, we would always lean in favour of saving the marriage. Marriage is something personal but since the parties have two minor children born in the wedlock, children need the affection of both father and mother insofar as their upbringing is concerned.

16. We once again urge to both Priya and Punit to make one honest and serious attempt to talk with each other.

17. Whatever might have happened in the past, whatever might be the differences between the two, at times, such differences can be resolved by talking. Of course, when they decide to talk, it should be with open mind and heart. Kian will accompany today with her mother to Bangalore. As and when Punit would like to visit Bangalore and meet his children, it shall be open for him to do so even while Priya is at work and the two children are with their grandparents. The grandparents shall permit Punit to meet his two children in their presence. There shall not be any objection or hostile attitude in this regard. With passage of time, perhaps we may be in a position to bring around some happy solution to the disputes between the parties.

18. Post this matter for further hearing on 6-5-2026 at 3.00 p.m. in the Committee Room.

19. All proceedings between the parties, civil and criminal, if any, shall remain stayed.

20. Punit has also expressed his desire to go for marriage counselling and he wants his wife Priya also to join.

21. Priya will give a thought to it. 22. It would be appropriate if both together go for counselling."

2. The matter was taken up today for hearing in the Committee Room.

3. Priya and Punit both are personally present with their children Kian and Ishika. The parents of Priya are also present.

4. We had a talk with the learned counsel appearing for the

parties, thereafter, individually with Priya, Punit and Priya's mother.

5. After our last order referred to above, there have been few positive developments.

6. We are happy to note and we appreciate that Punit has travelled from Kota to Bangalore and has taken a flat on rent in the very same building where Priya is residing along with her parents and her two children.

7. We are further informed that Punit is able to talk and meet both his children practically everyday.

8. We also take note of the fact that recently, Kian has been admitted in a nursery. Punit has paid fees to the tune of Rs.1,10,000/-. According to Priya, for three months, i.e., for the period between March to May, 2026, she has paid Rs.40,000/- for the admission of Kian.

9. We are of the view that this aforesaid arrangement should continue for some more time.

10. As on date, in a way, the family is together. Of course, not under one roof. Punit has his own flat which he has taken on rent and Priya although in the same apartment, yet stays in another flat.

11. We have made ourselves very clear that in any circumstances, we will not let Kian and Ishika grow up at different places. Kian and Ishika, as brother and sister should grow up together. They must, as they grow up, develop love, affection and feelings for each other as siblings. Whatever may be the differences today between Punit and Priya, the children should not suffer.

12. This entire exercise which we have undertaken and which we would like to continue is only keeping in mind the future and life of Kian and Ishika. We want that Priya, Punit, Kian and Ishika all stay together one day as one happy family.

13. We believe that some counselling is necessary to improve the relationship between Punit and Priya. Both have agreed today to undergo counselling at the place of their choice. Both have given an undertaking today that they will make all possible endeavours to see that the misunderstandings between them are eradicated over a period of time and they start reposing confidence in each other. Both, together will take the initiative to seek an appointment of a counsellor and start taking counselling. The expenses towards counselling shall be borne by Punit.

14. The exercise as aforesaid should not be an empty formality. We want Priya and Punit to go for counselling with a positive mind and attitude. Only then the counsellor will also be able to help them.

15. We are informed that the father of Punit is ailing and has been admitted in ICU. Since Punit is in Bangalore, his brother has flown down from Canada to take care of his ailing father.

16. According to Punit, his brother will go back in a couple of days and then he will have to take care of his father. We will take care of this situation at an appropriate time.

17. By any chance, if Punit has to travel to Kota, then Punit will keep talking to Kian and Ishika through video conferencing.

18. When we say that Punit shall keep talking with his children on video conferencing, it should be meaningful and not just an eye-wash. For any hindrance that may be caused in this regard, even the

parents of Priya will be responsible. If Priya is busy with her job, etc., Priya's parents will see to it that the children talk with their father and the talk should be meaningful.

19. Punit shall inform about his video phone calls well in advance.

20. We once again impress upon both Priya and Punit to see that they are able to save their marriage.

21. We also humbly request parents of Priya to play a crucial role in bringing around a happy settlement between Priya and Punit.

22. If Priya's office is facilitating counselling, then that can also be availed.

23. Priya will also ensure that Kian and Ishika talk with their paternal grandparents also through video conferencing when Punit is in Kota.

24. The time fixed by us should be construed as something flexible. There need not be strict compliance of this particular time period. If Punit is free and Kian is also free, then Punit should have access and satisfying meeting with Kian. If Kian has some other engagement, etc., Punit should also understand that.

25. Post the matters for further hearing on 25.08.2026 at 02:00 P.M. in the Committee Room.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)