

ITEM NO.35

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
R E C O R D O F P R O C E E D I N G S

Transfer Petition(Civil) No.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. 2812/2026 - EXEMPTION FROM FILING O.T., IA No. 17332/2026 -
EXEMPTION FROM FILING O.T., IA No. 17331/2026 - PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND 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 : 25-02-2026 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.

For Respondent(s) :

Mr. Nikhil Beniwal, AOR
Mr. Pawan Singh Tanwar, Adv.
Mr. Gyanendra Casshyap, Adv.
Mr. Pulkit Duhan, Adv.
Ms. Sanchita Beniwal, Adv.

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

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.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)