

ITEM NO.54

COURT NO.5

SECTION II-E

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5569/2026  
[Arising out of impugned final judgment and order dated 18-03-2026  
in SCRLA No. 17368/2025 passed by the High Court of Gujarat at  
Ahmedabad]

SHRIPAL SHREYASKUMAR SHAH

Petitioner(s)

VERSUS

TILLANA SHRIPAL SHAH &amp; ANR.

Respondent(s)

IA No. 95193/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT, IA No. 96913/2026 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

Date : 02-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH  
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Anil Malhotra, Sr. Adv.  
Mr. Viresh B. Saharya, AOR  
Mr. Ranjit Malhotra, Adv.  
Mr. Ankit Malhotra, Adv.  
Mr. Akshat Agarwal, Adv.  
Mr. Rishab Sahai Mathur, Adv.

For Respondent(s) Mr. Nikhil Goel, Sr. Adv.  
Mr. Ashutosh Ghade, AOR

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

We have heard the learned Senior counsel appearing for the petitioner and the learned senior counsel appearing for the respondents.

We do not find any ground to interfere with the impugned order passed by the High Court on merit. However, taking into consideration the paramount interest of the child, we only permit the petitioner to take the child along with respondent No.1 on 13<sup>th</sup>

May, 2026 to Canada. After reaching Canada, the respondent No.1 shall take the child in her custody.

Liberty is given to the petitioner to seek variation of the order passed by the concerned Canadian Court. Till such time, both respondent No.1 and the petitioner shall have shared custody by way an interim arrangement, without prejudice to the contention of the parties on merit, pursuant to the application to be filed by the petitioner before the concerned Canadian Court.

We only request the concerned Canadian Court to consider the variation, if any, sought for by the petitioner by taking into consideration the paramount interest of the child, particularly, his wish to stay with both parents.

Respondent No.1 is at liberty to approach the High Court of Gujarat for the release of the passport along with the Overseas Citizen of India (OCI) card belonging to the minor child.

The Special Leave Petition is, accordingly, disposed of in the above terms.

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

(SWETA BALODI)  
ASTT. REGISTRAR-cum-PS

(POONAM VAID)  
ASSISTANT REGISTRAR