

ITEM NO.63

COURT NO.7

SECTION XI-B

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 for Special Leave to Appeal (C) No. 17577/2026

[Arising out of impugned final judgment and order dated 08-05-2026 in OPFC No. 316/2026 passed by the High Court of Kerala at Ernakulam]

SMITHA

Petitioner(s)

VERSUS

SYAM C.R

Respondent(s)

(IA No. 151694/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No. 151695/2026 - EXEMPTION FROM FILING O.T.)

Date : 18-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Jose Abraham, AOR

For Respondent(s) Mr. Ragneth Basant, Adv.

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

1. Heard learned counsel for the parties.
2. The dispute is about the custody and visitation rights in respect of two minor daughters aged about six years.
3. The impugned order, after balancing the equities, have imposed appropriate conditions and had allowed the father to meet the children and have the custody for seven days after depositing his passport with the Family Court. The passport has been directed

to be returned only after the children are produced before the Family Court on the expiry of seven days term.

4. In view of the aforesaid facts and circumstances, we are not inclined to interfere with the order impugned but make it clear that the father will not take the two daughters with him outside India and they shall remain in India in custody of the mother. The seven days period would be counted from the date the custody of the two daughters is given to the father.

5. The passport of the husband shall be returned by the Family Court only upon his submission of an undertaking in the form of an affidavit that he will not take abroad the girls with him.

6. The present petition stands disposed of in the above terms.

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

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(NIDHI MATHUR)
COURT MASTER (NSH)