



2026:DHC:4065



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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**Date of Decision: 06.05.2026**+ **CONT.CAS(C) 791/2026**

SHUNALI GUPTA

.....Petitioner

Through: Ms. Malvica Satija, Mr. Praveen  
Chauhan and Mr. Sarthak Sawhney,  
Advs.

versus

KANAL GUPTA

.....Respondent

Through: Mr. Rajesh Banati, Mr. Ashish Sareen  
and Mr. ADil Asghar, Advs.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. In the present petition the petitioner alleges wilful disobedience/non-compliance by the respondent of the order dated 19.03.2026, passed by the Family Court, South East District, Saket Courts, Delhi in GP No.25/2025.
2. The petitioner and the respondent are estranged spouses and parents of a minor child born out of their wedlock in the year 2020.
3. The petitioner submits that she intended to travel with the minor child to the USA and Canada during summer vacations and that the child already possessed a valid USA Visa endorsed on her passport. However, it is alleged that since the respondent withheld the passport of the minor child, the petitioner was compelled to move an application before the concerned Family Court.



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4. By way of order dated 19.03.2026, the Family Court directed the respondent to apply for renewal of the passport of the minor child before 23.03.2026 (passport was expiring on 25.03.2026), and that the petitioner shall cooperate with the respondent in the said process and provide her signatures wherever required. Pursuant thereto, the respondent was required to deposit the renewed passport before the Family Court. The respondent's undertaking to renew the passport was also separately recorded by the Family Court.

5. The Court further directed that any party desirous of taking the child abroad would be required to take permission of the concerned Court.

6. The petitioner alleges that although the respondent booked an appointment for renewal of the passport, upon receiving the passport, she discovered that the USA Visa page had been deliberately defaced with ink markings, rendering the visa unusable for international travel. A photograph of the defaced passport has been annexed as Annexure-B in the present petition.

7. During the course of proceedings on 05.05.2026, this Court had the occasion to peruse the aforesaid passport containing the defaced visa page. *Prima facie*, there is substance in the allegations of the petitioner that the visa page was deliberately defaced. The same amounts to circumventing the directions contained in the order dated 19.03.2026, the purport of which was to obtain renewal of the passport so that the petitioner could undertake travel with the child as and when permission is granted by the Court. Evidently, the respondent acted with a view to scuttle the same.

8. During the course of hearing, the respondent who appears personally,



tenders an unconditional apology for his conduct. He also assures that appropriate steps shall be taken by him to purge his conduct.

9. In the circumstances, the following directions are issued:

(i) During the course of hearing, the respondent has handed over the renewed as also the previous passports of the minor child to the counsel of the petitioner. It is agreed that the petitioner shall apply for a fresh visa from the USA Embassy bearing the changed name of the concerned child;

(ii) The parties shall cooperate with each other for the same and the entire exercise will be done through the agent appointed by the petitioner;

(iii) After the USA Visa is obtained, the requisite passports shall be handed over by the petitioner to the respondent whereupon the same shall be deposited before the concerned Family Court;

(iv) The entire expenses for the aforesaid exercise (for obtaining US Visa, the consultancy fees of the concerned agent and the official charges payable to the US Embassy) shall be borne exclusively by the respondent and shall be paid without any delay.

10. It shall be ensured that the USA Visa is obtained expeditiously so that the purport for obtaining the same *viz.* to enable the petitioner to undertake foreign travel with the child is not frustrated. However, it shall be for the concerned Family Court to consider whether such permission be granted to the petitioner. The same shall necessarily be considered by the Family Court on its own merits without being influenced by the directions passed in the present proceedings.



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11. In the circumstances, the present petition is disposed of accepting the unconditional apology tendered by the respondent and also taking on record the undertaking of the respondent, to adhere to the aforesaid understanding / arrangement.

**MAY 6, 2026/cl**

**SACHIN DATTA, J**