2026:AHC:210525

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 1002 of 2026

Reyansh Goyal Minor And 2 Other

.....Petitioner(s)

Versus

State Of U.P. And 3 Other

.....Respondent(s)

Counsel for Petitioner(s) : Raghvendra Singh
Counsel for Respondent(s) : Babu Lal Ram, Deepak Kumar Yadav, G.A.

Court No. - 78

HON'BLE SANDEEP JAIN, J.

1.Heard Mr. Wahid Jamal, Advocate holding brief of Mr. Raghvendra Singh, learned counsel for the petitioners, learned counsel appearing for respondent no. 4 (husband) and perused the record.

2. By order dated 05.08.2026, in order to preserve and strengthen the maternal bond between the petitioner and the minor corpus, Miss Amaira Goyal, the petitioner was granted the following visitation rights:-

(i) The petitioner shall be entitled to meet Miss Amaira Goyal at the residence of respondent no. 4 every Saturday.

(ii) The petitioner shall also be entitled to temporary custody of Miss Amaira Goyal every Saturday after the child returns from school until 6.00 p.m. on Sunday, whereafter the child shall be handed back to respondent no. 4.

(iii) The petitioner shall further be entitled to interact with Miss Amaira Goyal through video calls every day between 6.00 p.m. and 9.00 p.m.

(iv) During school vacations and holidays, the petitioner shall also be entitled to temporary custody of Miss Amaira Goyal for such reasonable period as may be mutually convenient, provided that

the child's education and academic schedule are not adversely affected.

3. Similarly, respondent no. 4 was also permitted to have interaction with Master Reyansh Goyal through video calls every day between 6.00 p.m. and 9.00 p.m. so that the emotional bond between the father and child remains intact. By order dated 05.08.2026, the parties were also directed to personally present themselves before this Court along with both minor corpora, namely, Master Reyansh Goyal and Miss Amaira Goyal.

4. Today, both the petitioner-wife, Smt. Aditi Goyal, and respondent no. 4, Himanshu Goyal, along with the minor corpora, are present before this Court.

5. This Court again interacted with the petitioner, Smt. Aditi Goyal, who disclosed that she is still willing to resume cohabitation with her husband, Mr. Himanshu Goyal, and reside with him in their matrimonial home along with the minor children. She submitted that in compliance with the order dated 05.08.2026, she met her minor daughter, Miss Amaira Goyal, and also obtained her custody during school vacations and holidays. She submitted that she had spent quality time with her minor daughter. She further submitted that she acts as a makeup artist and has also produced on her mobile phone the income tax return filed by her for the assessment year 2024-25, in which her annual income was disclosed as Rs. 6,32,510/-. She also submitted that she is supported by her mother, namely, Chanchal Agarwal, who is a businesswoman and who also produced her income tax return for the assessment year 2026-27, in which she had disclosed her annual income as Rs. 6,77,950/-. She also submitted that her mother is in possession of one flat and two houses. She claimed that, being the mother of the minor corpora, the custody of both the corpora be handed over to her.

6. This Court also interacted with the respondent-husband, Mr. Himanshu Goyal, who had also produced his income tax return for

the assessment year 2026-27, in which he has disclosed his total income as Rs. 17,13,060/-. He claimed that he is engaged in a flourishing business of edible oils, is financially well settled, has a house and a vehicle, and is well placed and fully capable of fulfilling all the educational, physical and emotional needs of the minor children. He submitted that his wife is having an extramarital affair with someone and hence he has filed a divorce petition under Section 13 of the Hindu Marriage Act before the Family Court, Bulandshahr, seeking divorce from his wife, which is pending consideration, and submitted that hence he cannot reside with her in their matrimonial home. However, he claimed custody of the minor children on the ground that he is the father of both the children. He further submitted that he has the support of his parents as well as his younger brother and his wife, and if the children remain in the joint family, it would be in their welfare.

7. This Court also interacted with the minor corpus, Amaira Goyal, who disclosed that she is seven years old and is presently studying in Class 2 at Delhi Public School, Bulandshahr. She expressed that she is comfortable with her father and wants to reside with him. She expressly stated that she does not want to reside with her mother. From her demeanour and conduct, it is apparent that she has a strong emotional bond with her father.

8. This Court also interacted with the minor corpus, Master Reyansh Goyal, who disclosed that he is about five years of age and is studying in LKG at St. Xavier's High School, Noida, and is residing with his mother. He stated that he is comfortable in the company of his mother and wants to remain with his mother. He refused to reside with his father.

9. It is apparent that the petitioner-wife is a working woman, who is having an income of about Rs. 6 lakhs per annum and is also supported by her mother, namely, Chanchal Agarwal, who is also having an income of about Rs. 7 Lakhs per annum. As such, they are financially capable of taking care of the minor corpora. Besides that, the mother of the petitioner also possesses one flat and two

houses. The petitioner is an educated lady, who has no disability, and can very well maintain the minor corpora.

10. Keeping in consideration the desire expressed by minor corpus Reyansh Goyal that he wants to reside with his mother, this Court is inclined to hand over his custody to the petitioner-wife, Smt. Aditi Goyal.

11. The minor corpus, Amaira Goyal, has expressed her desire to reside with her father. Accordingly, this Court is inclined to hand over her custody to the respondent, Himanshu Goyal.

12. Accordingly, the custody of the minor corpus, Amaira Goyal, is handed over to the respondent, Himanshu Goyal, whereas the petitioner-wife, Smt. Aditi Goyal, shall be entitled to have daily interaction with her through video call on mobile phone between 6:00 p.m. and 9:00 p.m.

13. Similarly, the custody of the minor corpus, Reyansh Goyal, is handed over to the petitioner-wife, Smt. Aditi Goyal. The respondent-husband, Himanshu Goyal, shall be entitled to have daily interaction with the corpus through video call between 6:00 p.m. and 9:00 p.m.

14. In order to ensure that the emotional bond between both the minor corpora is maintained, it is deemed appropriate that on the 1st, 3rd and 5th Saturday of every month, after closure of school hours, the petitioner shall be entitled to have temporary custody of the minor corpus, Amaira Goyal. Such temporary custody shall continue till Sunday evening. The petitioner undertakes to restore custody of the minor corpus to the respondent-husband on Sunday evening, so that her schooling is not affected and her education is not hampered.

15. Similarly, on every 2nd and 4th Saturday of every month, after closure of school hours, the respondent-husband, Himanshu Goyal, shall be entitled to have temporary custody of the minor corpus, Reyansh Goyal. He shall restore his custody to the

petitioner-wife on Sunday evening, so that his schooling and education are not hampered.

16. The petitioner-wife and the respondent-husband have also agreed that they shall share the school vacations and holidays of children equally. Accordingly, during school vacations and holidays, including the summer vacation, winter vacation and holidays such as Diwali, Dussehra and Holi, the parties shall, after mutual consultation, share the vacation period equally, during which both the minor corpora shall remain together with one spouse. For instance, where the school vacation is for ten days, both the minor corpora shall remain with one spouse for five days and with the other spouse for the remaining five days. The parties shall mutually consult each other and suitably adjust their respective plans so that the interests, education and emotional well-being of both the minor corpora are duly protected.

17. With aforesaid observations/directions, instant habeas corpus writ petition stands disposed of.

October 7, 2026
RavindraKSingh

(Sandeep Jain,J.)

Digitally signed by :-
RAVINDRA KUMAR SINGH
High Court of Judicature at Allahabad