O.A.No.594 of 2019
in
C.S.No.369 of 2019

SENTHILKUMAR RAMAMOORTHY, J.

This application is filed for an interim injunction restraining the respondent/defendant from proceeding with the case No.1911-FC00525 before the 11th Judicial Circuit Court, State of Missouri, USA, pending disposal of the suit.

2. I heard the learned counsel for the applicant.

3. Notice was served in the application on the respondent on 21.10.2019 and an affidavit of service, enclosing proof of service was filed on 07.11.2019. The name of the respondent is also printed in the cause list for today's hearing. Inspite of the above, there is no appearance for the respondent either in person or through counsel.

4. The learned counsel for the applicants submitted that the proceedings were initiated for the dissolution of the marriage between the applicant and the respondent before the Family Court at Chennai in HMOP. No.230 of 2008. The said petition was disposed of by order dated 06.11.2012.

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5. Against this order, the respondent filed the Civil Miscellaneous Appeal in CMA. Nos.3132 and 3133 of 2013, which were rejected by an order dated 02.11.2018. While such proceedings were pending, the respondent initiated legal proceedings before the Superior Court at California, sometime in August 2013 and by order dated 30.10.2013, in M.P.No.1 of 2013 in CMA. No.3133 of 2013, an order of interim injunction was granted restraining the respondent herein from prosecuting the case before the Superior of Court at California, Santa Clara.

6. The learned counsel for the applicant submits that inspite of the aforesaid legal proceedings before the Courts at Chennai, and the orders passed therein, the respondent has initiated one more proceedings before the 11th Judicial Circuit Court at State of Missouri, sometimes in August 2019. He further submits that the said petition was rejected and that an appeal has been preferred as against the said order as evidenced by the document at page No.93 of typed set of papers, which is the notice of case management conference. He also referred to the notice of hearing at Page No.104.

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7. By adverting to the aforesaid proceedings and orders, the learned counsel submitted that the order of interim injunction which was granted on 19.06.2019, is liable to be made absolute, pending disposal of the suit.

8. I considered the submission of the learned counsel for the applicant and examined the relevant records.

9. It is abundantly clears from the documents relied upon by the learned counsel for the applicant that the respondent herein invoked the jurisdiction of this Court in respect of the matrimonial dispute with the applicant, by filing HMOP. No.230 of 2008 and appellate proceedings arising therefrom. In addition, it is also clear that the respondent is indulging forum shopping by approaching different courts in the United States.

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10. In the first instance, the applicant appears to have approached the Superior Court at California and as recently, has approached the 11th Judicial Circuit Court, State of Missouri.

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11. Needless to say, this practice may not be correct, especially in light of binding orders passed in HMOP. No.230 of 2008 and CMA. No.3133 of 2013 respectively.

12. Accordingly, I have no hesitation in making the earlier order of interim injunction absolute and thereby, restrain the respondent/defendant from proceeding with the case No.1911-FC00525 before the 11th Judicial Circuit Court, Missouri, USA or any other appeal forum pending disposal of the suit.

13. The learned counsel for the applicant is permitted to inform the 11th Judicial Circuit, State of Missouri, USA as well as the Attorney and in the case with regard to this order, both by way of private notice and E-mail.

19.12.2019

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