



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 21ST DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

C.S. No. 211 of 2020

Senthil Kumar Premraj,
S/o. Premraj, aged about 36 years,
residing at 15/8, 3rd Main Road,
Raja Annamalai Puram,
Chennai – 600 028. India.

... Plaintiff

-Vs-

Kathryn Premraj,
1051 Slow Creek CT, Boiling Springs,
SC 29316,
United States of America

... Defendant

Civil Suit praying that this Hon'ble Court be pleased to pass a judgement and Decree in favour of the Plaintiff;

(a) A perpetual injunction restraining the defendant or any other person claiming under / through her from in any manner proceeding with the Complaint Docket No:-2019-DR-42-2875, on the file of the Hon'ble Family Court, Seventh Judicial Circuit or any connected proceeding therewith, in any manner whatsoever,

(b) A perpetual injunction restraining the defendant or any other person claiming under/through her from in any manner filing, instituting and continuing, *inter alia*, any proceedings involving Divorce, Termination



of Parental Rights, Custody of children, Minor children's name change or other issues arising out of the matrimonial relationship of the plaintiff and the defendant in any forum in the Country of USA.

c) For the cost of the suit.

This suit coming on this day before this Court for hearing in the presence of Mr.C.Manikumar, for Salaivarun, Advocate for the plaintiff herein and the defendant herein, not appearing in person or by advocate and the said defendant herein, having been set exparte and upon reading the Plaint filed herein, and the other exhibits therein referred to and upon reading the evidence adduced therein and this Court having observed that the plaintiff has proved this case, **it is ordered and decreed as follows:-**

That Kathryn Premraj, the defendant herein or any other person claiming under/through her, be and is hereby restrained by an order of perpetual injunction from in any manner proceeding with Complaint Docket No.2019-Dr-42-2875, on the file on the Hon'ble Family Court, Seventh Judicial Circuit or any connected proceeding therewith, in any manner whatsoever.

2. That Kathryn Premraj, the defendant herein, or any other person claiming under / through her, be and is hereby restrained by an order of perpetual injunction from in any manner filing, instituting and continuing,



inter alia, any proceedings involving Divorce, Termination of Parental Rights, Custody of Children, Minor Children's name change or other issues arising out of the matrimonial relationship of the plaintiffs and the defendant in any forum in the Country of USA.

3. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
21ST DAY OF SEPTEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (O.S-I)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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ED
31.12.2021
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C.S. No.211 of 2020

ORDER:-

DATED : 21.09.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 31/12/2021

APPROVED ON : 03/01/2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

C.S.No.211 of 2020

Senthil Kumar Premraj ... Plaintiff

-Vs.-

Kathryn Premraj ... Defendant

Prayer: Civil Suit filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of the Code of Civil Procedure, praying to pass a judgment and decree in favour of the plaintiff and as against the defendant:

(a) A perpetual injunction restraining the defendant or any other person claiming under / through her from in any manner proceeding with the Complaint Docket No:-2019-DR-42-2875, on the file of the Hon'ble Family Court, Seventh Judicial Circuit or any connected proceeding therewith, in any manner whatsoever,

(b) A perpetual injunction restraining the defendant or any other person claiming under/through her from in any manner filing, instituting and continuing, *inter alia*, any proceedings involving Divorce, Termination of Parental Rights, Custody of children, Minor children's name change or other issues arising out of the matrimonial relationship of the plaintiff and the defendant in any forum in the Country of USA and for the cost of the suit.



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For Defendant : Ex-parte

JUDGMENT

The present Civil Suit has been filed by the plaintiff for the above mentioned prayers.

2. The case of the plaintiff is as follows:

(a) The defendant is a citizen of the U.S.A. The plaintiff and the defendant had met each other when the plaintiff was pursuing his Master's degree at the University of Iowa, U.S.A. They fell in love with each other and got married in the year 2011. Out of the wedlock, they were blessed with two children viz., Koral Ella Premraj and Ocean Arul Premraj. Though the defendant was a Christian, she had embraced the Hindu way of life and worship.

(b) In the meanwhile, the plaintiff faced certain challenges in his business which led to financial losses and therefore, the plaintiff after discussing the issue with his wife, the defendant herein, had decided to relocate to India, the defendant had also expressed her happiness for the same. According to the plaintiff, the defendant's parents who were not happy with their daughter being relocated to India, started planting the seeds of suspicion in her mind. The defendant started quarreling with the plaintiff and developed hatred towards him.



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(c) According to the plaintiff, when he had come to India on a business trip, to his shock and dismay, he received an e-mail from the defendant's lawyer stating that an action for separate support and maintenance was moved by the defendant in Spartanburg County Family Court in Complaint bearing Docket No.2019-DR-42-2875 dated 14.10.2019. Hence, the plaintiff filed this suit and application for grant of ad interim injunction.

3. This Court *vide* order dated 09.09.2020, granted an ad interim injunction in favour of the plaintiff.

4. Despite notice served on the defendant and her name printed in the cause list, she had neither appeared in person nor through a counsel on her behalf. Therefore, the defendant was set *ex parte* by this Court *vide* order dated 20.11.2020 and the suit was posted before the Master Court for recording evidence.

5. In order to prove his case, the plaintiff filed proof affidavit and he is examined as P.W.1 and got marked Exs.P1 to P13. Ex.P1 is the photocopy of Aadhaar Card of the plaintiff. Ex.P2 is the photocopy of



Indian Passport of the plaintiff. Ex.P3 is the photocopy of Flight tickets evidencing the arrival of the plaintiff and the defendant to Chennai for the wedding dated 29.03.2011. Ex.P4 is the photocopy of the Flight tickets evidencing the arrival of the defendant's parents to Chennai for the wedding dated 29.05.2011. Ex.P5 is the photocopy of the photographs of the marriage solemnized as per Hindu rites and customs dated 05.07.2011. Ex.P6 is the photocopy of the reception invitation dated 16.07.2011. Ex.P7 is the photocopy of the memorandum of Association of Grand World Elder Care Pvt.Ltd., a company incorporated by plaintiff in India evidencing his intention to move to India dated 18.03.2015. Ex.P8 is the photocopy of the Shareholder's Agreement evidencing shareholding pattern of the plaintiff dated 05.07.2017. Ex.P9 is the photocopy of the Bank statement of the plaintiff ending on 21.01.2019 evidencing repayment made to his relatives in lieu of loan borrowed for the purchase of the house dated 21.01.2019. Ex.P10 is the photocopy of the complaint for separate support and maintenance filed by the respondent bearing Docket No.2019-DR-42-2875, on the file of the Family Court, Seventh Judicial Circuit, Spartanburg County, State of South Carolina dated 14.10.2019. Ex.P11 is the photocopy of the E-mail received from the defendant's lawyer informing him about an action brought against him in complaint bearing Docket No.2019-DR-42-



photocopy of the consent order appointing guardian ad item passed by the Family Court, Seventh Judicial Circuit, Spartanburg Docket No.2019-Dr-42-2875 dated 10.02.2020. Ex.P13 is the photocopy of the E-mail sent by the guardian ad item appointed by the Family Court, Seventh Judicial Circuit, Spartanburg County, State of South Carolina dated 30.06.2020.

6. A perusal of the evidence of PW.1 coupled with the exhibits would reveal that the plaintiff has proved his case. Therefore, the plaintiff is entitled to the relief as prayed for.

7. Accordingly, the Civil Suit is decreed as prayed for. No costs.

Witnesses examined on
behalf of the Plaintiff:

P.W.1 – Mr.Senthil Kumar Premraj

Witnesses examined on
behalf of the Defendant:

None

Exhibits marked on behalf
of the Plaintiff :

Ex.P1

- photocopy of Aadhaar Card of the plaintiff;

Ex.P2

- photocopy of Indian Passport of the plaintiff;



- Ex.P3/dated 29.03.2011 - photocopy of the Flight tickets of the plaintiff;
- Ex.P4/ dated 29.05.2011 - photocopy of the Flight tickets of the defendant's parents;
- Ex.P5/dated 05.07.2011 - photographs of the marriage between plaintiff and the defendant;
- Ex.P6 /dated 16.07.2011 - photocopy of reception invitation;
- Ex.P7/dated 18.03.2015 - photocopy of memorandum of Association of Grand World Elder Care Pvt. Ltd;
- Ex.P8/dated 05.07.2017 - photocopy of shareholder's agreement;
- Ex.P9/dated 21.01.2019 - photocopy of the bank statement of the plaintiff;
- Ex.P10/dated 14.10.2019 - photocopy of the complaint for separate support and maintenance filed by the defendant;
- Ex.P11/dated 01.11.2019 - photocopy of the E-mail received from the defendant's lawyer;
- Ex.P12/dated 10.02.2020 - photocopy of the consent order appointing guardian ad item passed by the Family Court, Seventh Judicial Circuit, Docket No.2019-Dr-42-2875 dated 10.02.2020;
- Ex.P13/dated 30.06.2020 - photocopy of the E-mail sent by the guardian.

Exhibits marked on behalf
of the Defendant:

Nil

Sd./- V.P.N.J
21.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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