



C.R.P.(PD)(MD).Nos.1424, 1479 and 1637 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

C.R.P.(PD)(MD)Nos.1424, 1479 and 1637 of 2022  
and

C.M.P.(MD)No.6186 and 7152 of 2022

C.R.P.(MD)No.1424 of 2022:

S.Rathi Shanmugam

... Petitioner

Vs.

K.R.Saravanan

... Respondent

**PRAYER:** Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.2 of 2021 in O.S.No.1 of 2021 dated 07.01.2022 on the file of the Family Court, Karur.

For Petitioner : Mr.K.Suresh

For Respondent : Mr.H.Arumugam

C.R.P.(MD)No.1479 of 2022:

K.R.Saravanan

... Petitioner

Vs.

1/10



C.R.P.(PD)(MD).Nos.1424, 1479 and 1637 of 2022

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S.Rathi Shanmugam

... Respondent

**PRAYER:** Civil Revision Petition - filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.1 of 2021 on the file of the Family Court, Karur.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.K.Suresh

C.R.P.(MD)No.1637 of 2022:

K.R.Saravanan

... Petitioner

Vs.

S.Rathi Shanmugam

... Respondent

**PRAYER:** Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.3 of 2021 in O.S.No.1 of 2021 dated 07.01.2022 on the file of the Family Court, Karur.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.K.Suresh



*C.R.P.(PD)(MD).Nos.1424, 1479 and 1637 of 2022*

### **COMMON ORDER**

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Since the issue involved in all these Civil Revision Petitions are one and the same, all petitions are disposed by way of this common order.

2.For the sake of convenience, the parties are referred to herein, as per their rank before the trial Court in the original suit.

3.The plaintiff and the defendant have got married on 30.11.2008 as per the Hindu rights and customs at Namakkal District and they blessed with two children. Thereafter, the defendant went to USA for his avocation and after some time, the plaintiff also shifted to USA along with her husband. Then there was a matrimonial dispute between the plaintiff and the defendant and the plaintiff returned to India. Thereby, the defendant filed a proceedings in Case No.2019C51 dated 28.10.2019 for dissolution of marriage before the Court Court of Araphoe Country Colorado, USA and also temporary order had also been passed against the defendant. The younger daughter is in America with the defendant. For acquiring citizenship in India, the plaintiff need to renew the passport of the younger daughter. However, the defendant is not cooperating for the same.



*C.R.P.(PD)(MD).Nos.1424, 1479 and 1637 of 2022*

WEB COPY

4.The plaintiff, hence, filed the present suit seeking injunction restraining the defendant from continuing the legal proceedings in Case No. 2021 DR 31145 on the file of the District Court, Arapahoe Country, Colorado State, United States of America; initiating any legal proceedings against the plaintiff in the Courts of United States of America either regarding matrimonial dispute or regarding the custody of two daughters and further restraining him from enforcing any orders of directing or judgment decree etc., passed or to be passed in Case No.2021DR31145 on the file of the District Court, Arapahoe Country, Colorado State, United States of America till the disposal of the suit. In that suit, the plaintiff also filed two interlocutory applications in I.A.Nos.2 and 3 of 2021 seeking a direction to the defendant to give consent and cooperation in renewing the passport of Minor Tara Saravanan, younger daughter of the plaintiff and for temporary injunction as against the proceedings initiated in the District Court, Araphoe Country, Colorado State, United States of America.

5.The application in I.A.3 of 2021 seeking interim injunction was allowed by the trial Court and the application in I.A.No.2 of 2021 for

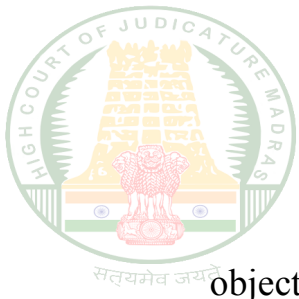


*C.R.P.(PD)(MD).Nos.1424, 1479 and 1637 of 2022*

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renewing passport was dismissed. Seeking to strike of the suit initiated by the plaintiff and challenging the order of temporary injunction granted by the trial Court, the defendant/husband filed C.R.P.(MD)Nos.1479 and 1637 of 2022. Challenging the order dismissing the application filed for renewal of the passport of the younger daughter, the plaintiff filed C.R.P.(MD)No.1424 of 2022.

6.The learned counsel for the defendant/husband submitted that admittedly, the marriage between the plaintiff and the respondent was solemnized in India as per the Hindu rights and customs and they were blessed with two children. The elder child was born in India and acquired Indian Citizenship and the younger child was born in America, thereby acquired American citizenship. The cause of action to seek dissolution of marriage arose only at USA. Therefore, the defendant instituted the proceedings at USA for dissolution of marriage. When the proceedings for divorce is pending before USA Court, now, the present anti-injunction suit filed before this Court is not at all maintainable. Without jurisdiction, the trial Court proceeded to pass an order of interim injunction as against the defendant. He would fairly submit that the defendant has no serious



*C.R.P.(PD)(MD).Nos.1424, 1479 and 1637 of 2022*

WEB COPY

objection with regard renewal of passport and acquiring Indian citizenship for the younger child also. Accordingly, he prays for appropriate order.

7.Per contra, the learned counsel for the plaintiff submits that the marriage between the plaintiff and the defendant was performed in India as per Hindu rights and customs. When the marriage was performed in India, it cannot be decided by the American Court. With regard to issues arose between the plaintiff and the defendant at the time when the plaintiff was residing along wit the defendant, the defendant instituted the proceedings before the American Court. Thereafter, she shifted her residence to India and the present suit is filed. Since all the above issues have to be decided only by the Civil Court at the time of trial by letting evidence, the suit initiated by the plaintiff cannot be struck off under Article 227 of the Constitution of India. Therefore, the order of interim injunction granted by the trial Court need not interfered until and unless the issue between the parties is resolved. Accordingly, he prayed for appropriate orders.

8.Heard the rival submissions made on either side and perused the materials placed on record.



*C.R.P.(PD)(MD).Nos.1424, 1479 and 1637 of 2022*

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9.The facts in the present case are not in dispute. Admittedly, the marriage between the plaintiff and the defendant was solemnized as per the Hindu rights and customs in India. Thereafter, they shifted their residence at America and became American Citizens. Due to some matrimonial dispute arose between them, the defendant initiated the proceedings before the Court at America. In the meanwhile, the plaintiff shifted her residence in India and filed the present suit with the aforesaid prayer.

10.Since the marriage between the parties was performed in India as per the Hindu rights and customs, they are bound by the provisions of Hindu Marriage Act. Therefore, the divorce proceedings initiated in the Court of America cannot be executed directly in India unless it satisfies the provisions of the Hindu Marriage Act. However, the Hindu Marriage Act is not extended to the Courts in USA. The trial Court after analyzing all these issues, has rightly entertained the suit filed by the plaintiff and granted an order of add interim injunction and the same cannot be interfered. Accordingly, the Civil Revision Petition in C.R.P.(MD)Nos.1637 and 1479 of 2022 are hereby dismissed with liberty to the defendant to canvass all the grounds available to him at the time of trial before the trial Court.



C.R.P.(PD)(MD).Nos.1424, 1479 and 1637 of 2022

WEB COPY

11. Since the defendant himself admits that he has no serious objection in renewing the passport of the younger daughter, the defendant is directed to furnish all the documents to the plaintiff/wife enabling her to renew the passport of the younger daughter. In turn, the plaintiff/wife is also directed to give all the necessary particulars to the defendant for renewing the passport of the elder daughter. The issue of acquiring Indian citizenship for the younger daughter, shall be decided based on the outcome of the suit pending before the trial Court. Accordingly, C.R.P.(MD)No.1424 of 2022 is partly allowed. Considering the facts and circumstances of the case and issue between the parties, the trial Court is directed to dispose of the suit in O.S.No.1 of 2021 within a period of six months from the date of receipt of a copy of this order. The parties are hereby directed to extend their fullest cooperation in early disposal of the suit. No costs. Consequently, connected miscellaneous petitions are closed.

**31.07.2025**

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Internet : Yes / No  
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8/10



*C.R.P.(PD)(MD).Nos.1424, 1479 and 1637 of 2022*

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To

- 1.The Family Court, Karur.
2. The Section Officer,  
Vernacular Records,  
Madurai Bench of Madras High Court,  
Madurai.



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*C.R.P.(PD)(MD).Nos.1424, 1479 and 1637 of 2022*

**M.DHANDAPANI,J.**

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C.R.P.(PD)(MD)Nos.1424, 1479 and 1637 of 2022

14.08.2025