HIGH COURT FOR THE STATE OF TELANGANAAT HYDERABAD

HON'BLE SRI JUSTICE K. LAKSHMAN
AND
HON'BLE SMT. JUSTICE K.SUJANA

FAMILY COURT APPEAL No. 74 OF 2026
(CNR No. HBHC010320292026)

Reserved on: 30.09.2026 Pronounced on: 20.11.2026
Uploaded on: 23.11.2026

Between

XXXXXXX ..…Appellant

and

XXXXXXX …...Respondent

This Court delivered the following:-

JUDGMENT:

(Per Hon'ble Sri Justice K. Lakshman)

Heard Sri J. Pradeep Kiran, learned counsel representing Mrs. Anuradha Cherukuri, learned counsel for the appellant and Sri Srinivas Chowdary, learned counsel representing Sri N. Abhishek, learned counsel for the respondent.

2. The appellant is the husband and the respondent is wife. Feeling aggrieved and dissatisfied with the order dated 29.04.2026 passed in I.A.No.772 of 2025 in FCOS No.20 of 2025 by the

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Judge, I Additional Family Court – cum – XIV Additional Metropolitan Sessions Court, Hyderabad, the appellant filed the present appeal.

3. The respondent herein filed the aforesaid suit against the appellant herein to grant anti-suit injunction restraining him from proceeding and further participating in proceedings in No Fault Divorce Case No.279 of 2025 on the file of the learned Civil Family Court, Abu Dhabi, UAE, and to restrain the appellant herein from initiating any other or further action or proceedings or filing any suit or claiming against her in any Court/Tribunal/Forum in any country outside India concerning divorce, custody, maintenance, or any other matrimonial reliefs against her.

4. In the said suit, she also filed an application vide I.A.No.692 of 2025 under Order 39 Rules 1 and 2 read with Section 151 of CPC seeking interim anti-suit injunction.

5. *Vide* docket order dated 19.07.2025 in I.A.No.692 of 2025, learned Family court granted interim injunction till filing of the counter, and posted the matter to 19.08.2025 for compliance with Rule 3 of Order 39 of CPC.

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6. The respondent herein has also filed MC No.279 of 2025 against the appellant herein seeking maintenance for herself and her minor boy. *Vide* docket order dated 22.12.2025 in M.C.No.279 of 2025, learned Family Court, passed the following order:

> "Both parties are absent. M.P.filed. Call on 31.12.2025. Respondent called absent. No representation. The interim maintenance not paid. It amounts to contempt. Counsel for petitioner filed memo along with date of Court. Issue Look Out Notice to the respondent for appearance before this Court. Call on 31.12.2025."

7.The appellant herein has filed an interlocutory application *vide* I.A.No.268 of 2026 in I.A.No.692 of 2025 under Order 9 Rule 7 read with Section 151 of CPC to set aside the order dated 31.12.2025, permit him to file counter and contest I.A.No.692 of 2025 contending that when the matter was listed on 31.12.2025, his counsel sought time to file a counter in I.A.No.692 of 2025. However, as the counter was not filed, the Court made interim injunction absolute. The counter could not be filed for bona fide reasons. The General Power of Attorney executed by him could not be validated by the concerned Sub-Registrar Office, and the affidavit required under Rule 33 of the Civil Rules of Practice, to

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be filed in support of the petition under Rule 32 of the Civil Rules of Practice, was in transit from UAE at the relevant time. Non-filing of counter was neither willful nor wanton, but due to the aforesaid unavoidable circumstances.

8. Since the appellant herein failed to comply with the order dated 19.07.2025, the respondent herein filed an application vide I.A.No.772 of 2025 under Order 39 Rule 2A read with Section 151 of CPC to punish the appellant herein for willfully disobeying the order dated 19.07.2025 of the learned Family Court; to direct him to file a detailed affidavit disclosing his assets, both movable and immovable, bank accounts, salary, and all other sources of income; order for attachment of his property and detain him in civil prison for committing willful disobedience of the order dated 19.07.2025, on the following grounds:-

i. As per the directions of the learned Family Court, she complied with the service on the appellant herein under Rule 3 of Order 39 CPC through e-mail dated 20.07.2025 through lawyer's notice calling upon him to comply with the said order.

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ii. Despite receipt of the order dated 19.07.2025, the appellant herein has deliberately disobeyed the said order and actively participated in the proceedings in Case No.279 of 2025.

iii. The appellant herein though having ample time and opportunity to abide by the said order, he deliberately committed contempt of the order.

iv. The proceedings in Case No.279 of 2025 clearly demonstrate that the appellant herein has continued to appear through his counsel, file objections, and contest the matter, which is in direct contravention of the specific restraint imposed by the learned Family Court.

v. She has also intimated to the Civil Family Court at Abu Dhabi with the regard to the existence of the order dated 19.07.2025.

vi. Therefore, the appellant herein deliberately committed a serious breach of the order dated 19.07.2025 by showing total disregard to the said order.

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9. Opposing the said application, the appellant herein filed counter contending:-

i. The respondent herein has not served the order dated 19.07.2025 on him through any effective, lawful, or recognized mode of communication.

ii. Despite having knowledge that he was employed and residing in the UAE, she deliberately attempted service at his native place in India, thereby such service is defective, illusory and invalid.

iii. He has neither willfully and deliberately disobeyed the order dated 19.07.2025.

iv. The respondent herein despite being aware that he was employed in a hospital establishment with multiple employees, failed to mention complete and accurate identifying particulars of him.

v. He was orally communicated by her counsel, that she had produced a document before the UAE Court on 05.08.2025, claiming it to be a copy of order dated 19.07.2025. However, the said document was not accepted by the UAE Court, not

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due to any objection raised by him, but solely on the ground that it was not duly authenticated i.e. not stamped by the Ministry of External Affairs, India, as required under the applicable procedure. Consequently, the UAE Court adjourned the matter to 19.08.2025, granting her ten days time to obtain the requisite authentication from the competent authority and file it before the said Court.

vi. The procedure for obtaining such stamping ordinarily requires only 4 to 5 working days, provided a valid certified copy of the order is available.

vii. The Civil Family Court, Abu Dhabi, granted adequate time to the respondent herein to produce authenticated document, but she failed to do so.

viii. At no point of time, he disregarded the order of the Court.

ix. The respondent herein failed to establish any willful and deliberate disobedience of the order dated 19.07.2025 by the appellant herein.

10. With the said contentions, he sought to dismiss the application.

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11. Vide order dated 29.04.2026 learned Family Court partly allowed I.A.No.772 of 2025, directing to detain the appellant herein in civil prison for a period of one month for disobedience of order dated 19.07.2025 in FCOS No.20 of 2025 while dismissing I.A.No.268 of 2026 filed by the respondent to set aside the order dated 31.12.2025.

12. Challenging the said order dated 29.04.2026, the appellant herein filed the present appeal.

13. In support of his contentions, learned counsel for the appellant placed reliance on the judgment of the Hon'ble Supreme Court in **A.Venkatasubbaiah Naidu vs. S.Chellappan**[1], **Time City Infrastructure and Housing Limited, Lucknow vs. State of U.P.**[2], **State of Bihar vs. Rani Sonabati Kumari**[3]**,** the High Court of Allahabad in **Sitaram vs. Ganesh Das**[4]**,** the High Court Delhi in **Shambhu Dutt Dogra vs. S.Shakti Dogra**[5]**, AGI Logistics Inc vs. Sher Jang Bhadhur**[6]**,** the judgment of Calcutta High Court in

[1](2000) 7 SCC 69
[2] (2025) SCC OnLine SC1674
[3] 1960 SCC OnLine SC 20
[4] 1973 SCC OnLine All 296
[5](2012) SCC OnLine Del 3442
[6] (2010) (I) AD (Delhi) 600

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Ghanashyam Sarda vs. N.Kumaraswamy[7], the judgment of Bombay High Court in **Khadi and Village Industries Commission vs. Shri Jaishukh N. Bhuta**[8],

14. On the other hand, learned counsel for the respondent herein placed reliance on the order of this Court in **Dr.D.Karunakar Reddy vs. Sri G.Sandeep**[9]**.**

15. Both the appellant and the respondent, highly qualified doctors, are before this Court. Their marriage was solemnized on 31.03.2018 as per Hindu rites and customs. It is an arranged marriage. They have also registered the said marriage. They were blessed with a baby boy on 06.06.2019 out of their lawful wedlock.

16. Thereafter, matrimonial disputes arose between them. According to the respondent, the said disputes are due to abusive and violent behavior of the appellant and according to the appellant, it is due to adamant and non-cooperative attitude of the respondent. The appellant moved to UAE in the month of June 2021 for employment. Respondent joined him in December 2021 along with the minor child and her mother after securing

[7] (2015) SCC OnLine Cal 4067
[8] I.A.No.5867 of 2025 in Com.IP Suit No.580 of 2022.
[9] Order dated 05.06.2024 I CC No.1154 of 2023

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employment in UAE. However, she left UAE in the month of August, 2022 and relocated to Sharjah, UAE. It is her allegation that the appellant had thrown her out along with the child. When she was staying in Sharjah, UAE, the minor child was diagnosed with broad neuro developmental spectrum issues such as Attention-Deficit/Hyperactivity Disorder (ADHD), Autism Spectrum Disorder (ASD) traits, Asperger's Syndrome, speech and behavioral related issues. Therefore, the boy requires specialized medical evaluation and intervention. The appellant disputes the said fact and according to him, it is not ASD but a neurological disorder. There is also dispute between them with regard to the assessment of the said disease and providing treatment etc.

17. It is also the specific contention of the respondent that the appellant threatened her that he would initiate divorce proceedings and thus harassed her. Therefore, she left to India with minor child. She also alleged brutal attack on her by the appellant on 25.05.2024. The appellant had issued a legal notice dated 22.01.2025 under Section 13(B) of the Act, demanding the respondent to give her consent for obtaining divorce. Due to the

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said harassment, the respondent has lodged a complaint with the police against the appellant for the offence under Section 498-A of IPC and on completion of investigation, the Investigating Officer laid charge sheet and the same was taken on file as C.C.No.2789 of 2025. She has also filed an application for maintenance *vide* MC No.279 of 2025 seeking maintenance for herself and her child. She has also filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the DV Act') *vide* DVC No.146 of 2025 and sought protection orders. As the appellant violated the said orders, she filed contempt proceedings, which are pending.

18. Perusal of the record would reveal that the appellant had filed divorce proceedings *vide* No Fault Divorce Petition No.132 of 2025 in the Civil Family Court, Abu Dhabi on 11.04.2025 against the respondent seeking dissolution of marriage. In Abu Dhabi, it is termed as 'No Fault Divorce'. The aforesaid Court dismissed the said petition on 15.05.2025 on the ground of lack of jurisdiction. On 08.07.2025, the appellant had filed second No Fault Divorce Case in No Fault Divorce Case No.279 of 2025 by obtaining a

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temporary lease deed to show that he is a resident of Abu Dhabi in order to create jurisdiction, since earlier proceedings in No Fault Divorce Case No.132 of 2025 were dismissed by the Civil Family Court, Abu Dhabi, on the ground of lack of jurisdiction. On receipt of summons online, respondent had filed anti-suit injunction *vide* FCOS No.20 of 2025 on the file of learned I Additional Family Court, Hyderabad and obtained *exparte* injunction order. Along with the said FCOS No.20 of 2025, she has also filed I.A.No.692 of 2025 seeking interim injunction restraining the appellant from continuing proceedings in No Fault Divorce Case No.279 of 2025 or any other case anywhere outside India. *Vide* order dated 19.07.2025, learned I Additional Family Court, Hyderabad granted an *exparte* injunction order in favour of the respondent and against the appellant restraining the appellant from continuing proceedings in No Fault Divorce Case No.279 of 2025, on the condition of the respondent complying with Order 39 Rule 3 of CPC.

19. It is the specific contention of the respondent that her counsel communicated a copy of the said order to the appellant on 20.07.2025 through e-mail and WhatsApp. From 19.07.2025 to

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25.07.2025, the postal servers were down in Telangana due to software update. The time for compliance under Order 39 Rule 3 of CPC was extended by the learned Family Court on the request memo filed by the learned counsel for the respondent on 22.07.2025 on the aforesaid ground. On 25.07.2025 when the postal services resumed, her counsel sent a notice; copies of the order, plaint, application in interlocutory application and documents to the postal address of the Appellant in India as well as UAE. Thus, she has complied with Order 39 Rule 3 of CPC and filed report before the Family Court.

20. The postal covers sent to the appellant's address in India were returned unserved with postal endorsement "Addressee left" and returned to the sender on 31.07.2025. The postal cover sent to the appellant's UAE address was delivered. According to the respondent, she has contended that UAE postal system primarily effects delivery through designated post box numbers rather than residential addresses or street names. The successful delivery to the domestic location i.e. appellant's post box clearly establishes receipt of communication at his UAE address on 31.07.2025. Thus,

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according to the respondent, she has complied with Order 39 Rule 3 of CPC and filed report before the learned Family Court along with compliance report.

21. Respondent further contended that she has placed the copy of the aforesaid order dated 19.07.2025 in I.A.No.692 of 2025 in FCOP No.20 of 2025 passed by the learned I Additional Family Court, Hyderabad before Abu Dhabi Court in No Fault Divorce Case No.279 of 2025 filed by the appellant.

22. Learned counsel for the appellant vehemently opposed the aforesaid order granted by the learned Family Court before the Civil Family Court, Abu Dhabi contending that the same is not binding on him, as an anti-suit injunction order passed by Indian Court is not binding on the UAE Court. However, *vide* order dated 19.08.2025, Abu Dhabi Court allowed No Fault Divorce Case No.279 of 2025 without considering the order dated 19.07.2025 granted by the learned Family Court. Therefore, the respondent has filed an application *vide* I.A.No.772 of 2025 in FCOS No.20 of 2025 under Order 39 Rule 2-A read with Section 151 of CPC, to hold that the appellant has willfully disobeyed the order dated

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19.07.2025 passed by the learned Family Court, thereby rendering the appellant liable under Order 39 Rule 2-A of CPC; direct the appellant herein to file a detailed affidavit disclosing his assets, both movable and immovable, bank accounts, salary and all other sources of income and pass appropriate orders for attachment of his property and detention in civil prison for such willful disobedience of the injunction order dated 19.07.2025.

23. The appellant filed counter opposing the said application contending that the respondent failed to comply with the requirement of Rule 3 of Order 39 of CPC by not serving notice along with the copy of the order dated 19.07.2025 on him through any effective, lawful or recognized mode of communication. The essential ingredients of willful and conscious disobedience which is *sine qua non* for invocation of proceedings under Order 39 Rule 3 of CPC. The subsequent postal communication relied upon by the respondent cannot be treated as valid or effective service.

24. With the said submissions, he sought to dismiss the said application.

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25. *Vide* impugned order dated 29.04.2026, learned I Additional Family Court allowed the said application in part by detaining the appellant in civil prison for a period of one month for disobeying the orders in FCOS No.20 of 2025 dated 19.07.2025.

26. Challenging the said order, the appellant preferred the present appeal. Along with the present appeal, the appellant has also filed I.A.No.1 of 2026 to dispense with the filing of a copy of the order dated 29.04.2026 in I.A.No.772 of 2025 in FCOS No.20 of 2025 contending that the said order was not made available with the learned Family Court.

27. Having satisfied with the said reasons, vide order dated 06.05.2026, this Court allowed the IA.No.1 of 2026 dispensing with the filing of the impugned order as on that date. Vide the very same order, dated 06.05.2026, this Court also granted interim suspension of the aforesaid order.

28. We have heard Sri J. Pradeep Kiran, learned counsel representing Mrs. Anuradha Cherukuri, learned counsel for the appellant and Sri Srinivas Chowdary, learned counsel representing

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Sri N. Abhishek, learned counsel for the respondent, at length and gave thoughtful consideration of the same.

29. The aforesaid facts would reveal that there is strained relation between the appellant and respondent. They are highly qualified doctors. They were blessed with a baby boy on 06.06.2019. He is suffering from broad neuro developmental spectrum issues such as Attention-deficit/hyperactivity disorder (ADHD), Autism Spectrum Disorder (ASD) traits, Asperger's Syndrome, speech and behavioral related issues. However, the said disease has to be diagnosed by the doctors. There are disputes with regard to the diagnosis and treatment to be provided to the boy with regard to the said disease. When they were in UAE, matrimonial disputes arose between them. Both of them made serious allegations against each other. However, perusal of the record would reveal that the respondent came back to India in 2024. She has lodged a complaint against the appellant for the offence under Section 498-A of IPC, the police registered the same as a crime and on completion of the investigation, the Investigating Officer laid charge sheet against the appellant and the same was

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taken on file as C.C.No.2789 of 2025 which is pending. She has also filed a petition under Section 125 of Cr.P.C. vide MC No.279 of 2025 against the appellant seeking maintenance of Rs.6 Lakhs for herself and her child. She has also filed a petition under Section 12 of the DV Act vide DVC No.146 of 2025. He has filed a petition vide FCOP No.269 of 2026 seeking to appoint him as custodian of the minor child and for interim custody. The said proceedings are pending.

30. During the course of hearing, it is brought to the notice of this Court that there are disputes between the appellant and respondent family members including their father with regard to certain investments and a suit is also pending in that regard.

31. Perusal of the record would also reveal that the appellant herein and two others filed Tr.CMP No.184 of 2026 seeking to transfer FCOP No.269 of 2026 pending on the file of learned Principal Family Court, Hyderabad and FCOS No.20 of 2025 pending on the file of the I Additional Family Court, Hyderabad to any other competent Family court in the Kukatpally Court Complex.

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32. Vide order dated 16.06.2026, this Court allowed the said Tr.CMP, and transferred the said cases i.e. FCOP No.269 of 2026 pending on the file of the learned Principal Family Court, Hyderabad and FCOS No.20 of 2025 pending on the file of learned I Additional Family Court, Hyderabad to learned II Additional Family Court, Ranga Reddy District at Kukatpally. The said proceedings are also pending on the file of the learned Judge, I Additional Family Court, Ranga Reddy District at Kukatpally.

33. During the course of hearing, it is brought to the notice of this Court that Look Out Circular was issued against the appellant. At present he is in Fujairah, UAE. Vide order dated 19.08.2025, learned Civil Family Court, Abu Dhabi, granted divorce in No Default Divorce Case No.279 of 2025 filed by the appellant and operative portion of the said order is extracted below:-

> "The Courts annuls the marriage contract between the Claimant, Krishna Chaitanya Nunna, Venkata Raju Nunna, and the Defendant, Saranya Gadde, Murali Gadde, which was solemnized in India on 31 March, 2018. The said annulment takes effect as of 19 August 2025 with activation of joint custody of the child.

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34. During the course of hearing, it is brought to the notice of this Court that the respondent has filed contempt proceedings against the appellant herein contending that the respondent violated the aforesaid order dated 19.08.2025 passed by the Abu Dhabi Court and the said Court issued warrant to the respondent. It is further brought to the notice of this Court that respondent is willing to go to UAE for her employment as she will get good salary. Due to the said contempt proceedings, she is not in a position to go to UAE.

35. The aforesaid facts would reveal that there is strained relation between the appellant and the respondent. Their son is suffering from neuro developmental issues such as Attention-deficit/hyperactivity disorder (ADHD), Autism Spectrum Disorder (ASD) traits, Asperger's Syndrome, speech and behavioral issues. Instead of taking care of the boy, they started fighting with each other. However, the said aspects will be considered by the learned Family Court in F.C.O.S.No.20 of 2025.

36. The present appeal is filed under Section 19 of the Family Courts Act, 1984, challenging the order dated 29.04.2026

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in I.A.No.772 of 2025 in FCOP No.20 of 2025 passed by the learned Judge, I Additional Family Court, ordering civil detention of the appellant herein. The respondent had filed the aforesaid application under Order 39 Rule 2-A of CPC contending that the appellant willfully and deliberately violated the order dated 19.07.2025 by obtaining the divorce proceedings dated 19.08.2025 in No Fault Divorce Case No.279 of 2025 from Abu Dhabi Court, UAE. Thus, there is willful and deliberate violation of the said order by the appellant herein.

37. In the light of the aforesaid submission, it is apt to note that Order 39 Rule 2-A of CPC deals with consequence of disobedience or breach of injunction. The same is relevant and is extracted below:-

> **2A. Consequence of disobedience or breach of injunction.**
>
> **(1)** In the case of disobedience of any injunction granted or other order made under rule 1 or rule 2 or breach of any of the terms on which the injunction was granted or the order made, the Court granting the injunction or making the order, or any Court to which the suit or proceeding is transferred, may order the property of the person guilty of such disobedience or breach to be attached, and may also order such person to be detained in the civil prison for a term not exceeding three months, unless in the meantime the Court directs his release.

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> **(2)** No attachment made under this rule shall remain in force for more than one year, at the end of which time if the disobedience or breach continues, the property attached may be sold and out of the proceeds, the Court may award such compensation as it thinks fit to the injured party and shall pay the balance, if any, to the party entitled thereto.

38. It is apt to note that for finding a person guilty under Order 39 Rule 2-A of CPC, there should be 'willful disobedience'. Mere allegation of disobedience is not sufficient. The allegation of willful disobedience being in the nature of criminal liability, has to be proved to the satisfaction of the Court. The said principle was also laid down by the Apex Court in **U.C. Surendranath v. Mambally's Bakery**[10]**.**

39. In the light of the same, this Court has to consider as to whether there is any willful and deliberate violation of the order dated 19.07.2025 in I.A.No.692 of 2025 in FCOS No.20 of 2025 passed by the learned I Additional Family Court, Hyderabad, by the appellant.

40. As discussed supra, the respondent had filed the aforesaid anti-suit injunction application vide I.A.No.692 of 2025

[10] (2019) 20 SCC 666

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in FCOS No.20 of 2025 against the appellant restraining the appellant from proceeding and further participating in proceedings in Case No.279 of 2025 on the file of the learned Civil Family Court, Abu Dhabi, UAE, and to restrain the appellant herein from initiating any other or further action or proceedings or filing any suit or claiming against her in any Court/Tribunal/Forum in any country outside India concerning divorce, custody, maintenance, or any other matrimonial reliefs against her.

41. In the light of the same, it is apt to note that in **Dinesh Singh Thakur vs. Sonal Thakur**[11], the Hon'ble Supreme Court held that anti-suit injunction is that it restrains one party from prosecuting a case in another court outside its jurisdictionin foreign country. Such anti-suit injunction can be granted sparingly. The same is relevant and extracted below:-

> However, before passing the order of anti-suit injunction, courts should be very cautious and careful, and it should be granted sparingly and not as a matter of routine as such orders involve a court impinging on the jurisdiction of another court, which is not entertained very easily specially when it restrains the parties from instituting or continuing a case in a foreign court.

[11] (2018) 17 SCC 12

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42. Relying on the said principle and also other judgments, the Apex Court in **Mihir Prakash Bajoria vs. Vidushi Jain Bajoria**[12], held that anti-suit injunctions are meant to restrain a party to a suit or proceeding from instituting or prosecuting a case in another court, including a foreign court. An anti-suit injunction is a judicial order of the nature by which one party is restrained from prosecuting a case in another court outside its jurisdiction. The parameters to be applied for grant of injunction would in-principle apply also in respect of grant or otherwise of the anti-suit injunction. As the principle of equity is in the heart of the jurisprudence for grant of injunctive directions, the anti-suit injunction orders are also governed and guided by the doctrine of equity, where the court would apply the equitable principles. It was further held that the courts in India have the power to issue anti-suit injunction. Anti-suit injunction can be issued in favour of a party over whom the court has personal jurisdiction. There are well recognized principles which govern the discretion of the court in granting anti-suit injunction. It was further held that the oppressive or vexatious nature of the proceedings and irreparable harm are the

[12] 2026 INSC 1034

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twin prime considerations to be borne in mind by an Indian court while putting on hold a judicial process in the foreign jurisdiction. The anti-suit injunction has the tendency to interfere with the exercise of jurisdiction by the court in another sovereign territory to which the jurisdiction of the injunctive court does not extend.

43. The Hon'ble Supreme Court adverted to the doctrine of *forum non-conveniens* which is one of the decisive factors for grant of anti-suit injunction. The doctrine will be applied by the court where the suit is initiated for judging whether the same court is a convenient forum for the parties or there exists any other forum or court where the parties may more conveniently litigate. The doctrine is applied more particularly in matrimonial proceedings for advancing the interests of justice. The court would exercise its inherent jurisdiction for staying the proceedings pending at a forum which is found to be not convenient and that there is another forum which is considered to be more convenient to subserve the interest of the litigating parties to meet the ends of justice.

44. It was further held that as a matter of principle of law and judicial discretion, the grant of anti-suit injunction is not a

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matter of course. The anti-suit injunction orders are not supposed to be a routine judicial exercise. The anti-suit injunction order is not the one which the court may grant on an askance. The court should be extremely slow, unless the pure legal or jurisdictional considerations are applicable, to issue the anti-suit injunction and thereby stall the proceedings in a court in the foreign country. Frequent and unmindful resort would not only undermine the concept of comity of courts but such orders would be tantamount to interjection by the court into the sovereign judicial jurisdiction of a court functioning in the foreign country. A wrong exercise of powers to grant anti-suit injunction orders may lead to jurisdictional conflict and generate multiplicity of proceedings and indiscreetly expand the scope of process as well as of relief orders.

45. It was further held that one of the factors, which should dissuade the court from granting anti-suit injunction is that the proceedings before the foreign court which are sought to be interjected, are yet to conclude. No legitimate ground or logical reason would generally arise to stay the proceedings before the

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foreign court by way of anti-suit injunction, when they are at an inchoate stage and have not culminated into a final decision.

46. In the light of the aforesaid principle laid down by the Hon'ble Supreme Court in the judgment cited supra, learned Family Court granted an *ex parte* injunction dated 19.07.2025 in I.A.No.692 of 2025 in FCOS No.20 of 2025 injuncting the appellant from proceeding with No Fault Divorce Case No.279 of 2025 before the Abu Dhabi Civil Family Court and passed the following order:

> "There is *prima facie* case and balance of convenience in favour of the petitioner, if the injunction is not granted, the petitioner will suffer irreparable loss. Under such circumstances, the petition is allowed and interim injunction is granted in favour of the petitioner, till filing of the counter. Rule-3 Compliance. Call on 19.08.2025."

47. Admittedly, said I.A.No.692 of 2025 is pending. During the course of hearing, it is brought to the notice of this Court that the appellant has already filed counter in the said I.A. No.692 of 2025 and pleadings are complete. During pendency of the said I.A., respondent had filed I.A.No.772 of 2025 in FCOS No.20 of 2025

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under Order 39 Rule 2-A of CPC, to detain the appellant to civil prison and for other reliefs.

48. *Vide* impugned order dated 29.04.2026, learned Family Court partly allowed the said I.A.No.772 of 2025 keeping the I.A.No.692 of 2025 pending.

49. As discussed *supra*, there is strained relation between the appellant and the respondent. In matrimonial disputes, both the learned Family Court and learned counsel appearing for the parties have to adopt magnanimous approach. By their actions and words, they should not further strain relation of the parties. In fact, the Family Court has to conduct conciliation proceedings between the parties. In **Neha Lal v. Abhishek Kumar**[13] , the Hon'ble Supreme Court observed that in matrimonial disputes, earnest efforts should be made by the parties and to be guided by the advocates, to convince them for pre-litigation mediation. The foremost effort has to be for reconciliation. In **V.K. Gupta v. Nirmala Gupta**[14] , wherein the Supreme Court observed that reconciliation of a

[13] 2026 INSC 73

[14] (1979) 4 SCC 258

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ruptured marriage is the first essay of the Judge, aided by counsel. The Court and counsel owe a duty to society to strain to the utmost to repair the snapped relations between the parties. This task becomes more insistent when an innocent offspring struggles in between the disputed parents.

50. In **Anu Bhandari v. Pradip Bhandari**[15] , the Hon'ble Apex Court observed that under Section 9 of the Family Courts Act, 1984, the court has a duty to make an endeavour to assist and persuade the parties in arriving at a settlement. Unlike many other legislations, the legislature has cast a duty on the court in that regard. The jurisdiction is not just to decide a dispute, on the contrary, the court also has to involve itself in the process of conciliation/mediation between the parties for assisting them not only to settle the disputes but also to secure speedy settlement of disputes. Such timely intervention of the court will not only resolve the disputes and settle the parties peacefully but also prevent sporadic litigations between the parties.

[15] (2018) 6 SCC 389

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51. As discussed supra, the learned Family Court has to dispose of I.A.No.692 of 2025 filed for anti-suit injunction in F.C.O.S.No.20 of 2025 by the respondent by considering the principle laid down by the Hon'ble Supreme Court in the aforesaid judgments.

52. Admittedly, I.A.No.692 of 2025 is pending. Without deciding the said Interlocutory Application, learned Family Court decided I.A.No.772 of 2025 and ordered detention of the appellant to civil prison for one month. By doing so, it further strained the relation between the appellant and the respondent. Therefore, the impugned order dated 29.04.2026 passed in I.A.No.772 of 2025 in FCOS No.20 of 2025 by the learned I Additional Family Court, Hyderabad, is set aside and matter is remanded to the learned Family Court with a direction to dispose of I.A.No.692 of 2025, I.A.No.772 of 2025 and also FCOS No.20 of 2025 strictly in accordance with law, consider the principle laid down by the Hon'ble Supreme Court in the judgments cited supra.

53. As discussed supra, according to the respondent, their baby boy was diagnosed with broad neuro developmental spectrum

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issues such as Attention-deficit/hyperactivity disorder (ADHD), Autism Spectrum Disorder (ASD) traits, Asperger's Syndrome, speech and behavioral related issues, which requires specialized medical evaluation and intervention. But according to the appellant, it is only a neuro developmental spectrum issue.

54. The marriage of the appellant with the respondent was solemnized on 31.03.2018. They were blessed with a baby boy on 06.06.2019. The appellant moved to UAE in June, 2021. Respondent joined him in December, 2021. Matrimonial disputes arose between them thereafter. Both the appellant and respondent are highly qualified doctors and they are busy in their professional avocation.

55. At this juncture, we consider it important to state that the gradual decline of the traditional joint family system, along with urbanization, migration and changing employment patterns, has shifted the responsibility of upbringing children onto parents only. Earlier, the upbringing of children was a collective familial responsibility, which exposed children to different perspectives, values and experiences. The involvement of grandparents and

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extended family members provided children with emotional security, moral guidance and social interaction. At present, parental involvement and commitment has become crucial in ensuring a child's holistic development.

56. Parental responsibility is even more significant in the case of children with Autism Spectrum Disorder (ASD), a neurodevelopmental condition characterized by differences in brain that affects how a child communicates, socializes, and processes sensory information. Autistic children may require individualized developmental interventions, consistent routines, and an environment characterized by patience, understanding and emotional reassurance. Consequently, parental responsibility must extend beyond providing access to medical care and specialized education to include everyday interaction, affection, encouragement and emotional availability. The absence of such care may further augment the challenges faced by the child.

57. This responsibility has greater importance due to the increasing recognition of ASD worldwide. According to the World Health Organization (WHO), approximately 1 in 127 people

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worldwide were autistic in 2021[16]. With respect to children specifically, a 2025 systematic review of 66 studies involving approximately 21.3 million children aged 3–18 years, estimated the global prevalence of ASD at 0.77%.[17] Also, approximately 1 in 31 (3.2%) children aged eight years were identified with ASD.[18] The report also identified a higher prevalence among boys.

58. In this regard, parents must recognize that their personal differences or marital discord must never come at the cost of a child's emotional well-being. This is particularly important for autistic children, for whom familiar environment, consistent routine and emotional security may be essential. Prolonged parental conflict and instability may adversely affect their sense of security and overall development. The dissolution of a marital relationship or differences between spouses, does not absolve parental obligations. Irrespective of their differences, both parents must remain equally conscious of their responsibility to ensure that the child receives adequate care, affection, and a secure

[16] World Health Organization, '*Autism*', dated 17.09.2025

[17] National Institute of Health, United States, '*The global prevalence of autism spectrum disorder in children: a systematic review and meta-analysis*', dated 10.02.2025

[18] National Institute of Mental Health, United States, '*Autism Spectrum Disorder*', dated July 2025

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upbringing. Ultimately, every child, including the one with special developmental needs, is entitled to a dignified and fulfilling childhood. Therefore, the child's welfare must remain paramount.

59. Sri Srinivas Chowdary, learned counsel representing Sri N. Abhishek, learned counsel for the respondent, referring to Abu Dhabi Law No.14 of 2021 on Civil Marriage and its Effects in the Emirate of Abu Dhabi and Regulation 8 of 2022, would submit that the procedure for obtaining divorce in No default Divorce case No.279 of 2025 is different. However, examination of the same in detail is not required and it is for the Family Court to consider the same.

60. In the light of the aforesaid discussion, this appeal is allowed. The impugned order dated 29.04.2026 passed in I.A.No.772 of 2025 in FCOS No.20 of 2025 by the Judge, I Additional Family Court – cum – XIV Additional Metropolitan Sessions Court, Hyderabad, is set aside. The matter is remanded to the learned Family Court and the learned Family Court shall dispose of I.A.No.692 of 2025 and I.A. No.772 of 2025 and also

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FCOS No.20 of 2025 strictly in accordance with law and consider the aforesaid principle laid down by the Hon'ble Supreme Court in the judgment cited supra, as expeditiously as possible. Both the appellant and respondent and their respective counsel shall cooperate with the learned Family court in disposal of the aforesaid I.A.No.692 of 2025, I.A.No.772 of 2025 as well as FCOS No.20 of 2025. However, there is no order as to costs.

Consequently, miscellaneous applications, if any, pending in the appeal shall stand closed.

JUSTICE K. LAKSHMAN

JUSTICE K.SUJANA

Date: .11.2026
vvr

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