

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7866 OF 2023
(Arising out of SLP(Civil) No.1895 of 2023)

MUPPIDI KISHAN BABU

APPELLANT

VERSUS

AKULA ROHITH

RESPONDENT

O R D E R

1. Leave granted.
2. The appellant assails the order dated 10.10.2022 passed by the High Court for the State of Telangana in a civil revision challenging an order of injunction granted by the Principal Junior Civil Judge, Karimnagar. The civil revision was filed by Akula Rohith-the respondent, who is the husband of Kavya, namely, the daughter of the appellant. The appellant-father of Kavya filed a civil suit in relation to the matrimonial dispute of his daughter with the respondent and it is in that civil suit that the respondent was injuncted from performing the second marriage. The respondent challenged that injunction order before the High Court, which has been set aside vide the impugned order.
3. The appellant's case appears to be that his daughter could not travel to India to initiate the legal

proceedings due to the non-renewal of the passport of the child born from the wedlock. On the other hand, the case of the respondent is that the marriage between him and Kavya has been lawfully dissolved by a Court of competent jurisdiction in the United States of America.

4. In this appeal, notice was issued for the limited purpose of considering the propriety of observations made by the High Court regarding validity of the decree of divorce granted by the United States Court. Subsequently, as an interim measure, it was directed on 04.07.2023 that the respondent shall do the needful for the renewal of the passport of his son, namely, the child born from the wedlock. It is not in dispute that the needful has been done and the passport of the child has been renewed.

5. That being so, nothing prevents the daughter of the appellant, namely, Kavya from travelling to India and initiating the appropriate proceedings before a Court of competent jurisdiction in accordance with law. We do not express any opinion on the maintainability of such proceedings and leave it for the Court concerned to decide such issues. Suffice it to say that the conclusion arrived at by the High Court in paragraphs 9 and 10 of the impugned order, when parties had not even led their evidence, is wholly premature, uncalled for and the same cannot be allowed to cause any impediment in the way of the daughter of the appellant (Kavya), if she decides to initiate any proceedings in accordance with law. It goes

without saying that the respondent shall be entitled to raise all the objections with regard to maintainability of the proceedings to be initiated by Kavya and such objections shall be considered by the Court in accordance with law.

6. Since, the suit filed by the appellant has been meanwhile dismissed following the observations made by the High Court in the impugned order, no further directions are required to be issued except to grant liberty to the daughter of the appellant, as already observed.

7. The appeal is disposed of in above terms.

.....J.
(SURYA KANT

.....J.
(DIPANKAR DATTA)

New Delhi;
November 28, 2023

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).1895/2023

(Arising out of impugned final judgment and order dated 10-10-2022 in CRP No.277/2022 passed by the High Court For The State Of Telangana At Hyderabad)

MUPPIDI KISHAN BABU

Petitioner(s)

VERSUS

AKULA ROHITH

Respondent(s)

Date : 28-11-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Ms. Amita Singh Kalkal, AOR
Ms. Aditi Gupta, Adv.
Mr. Devvrat Pradhan, Adv.
Mr. Avesh Chaudhary, Adv.

For Respondent(s) Mr. S. S. Jauhar, AOR
Mr. Prabhjit Jauhar, Adv.
Mr. Bhanu Thakur, Adv.
Ms. Rosemary Raju, Adv.
Ms. Tulika Bhatnagar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of in terms of the signed order.
3. All pending applications, if any, stand disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(PREETHI T.C.)
COURT MASTER (NSH)

(signed order is placed on the file)