2026 INSC 1034

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(Arising out of SLP(C) No. 15849 of 2026)

MIHIR PRAKASH BAJORIA ...APPELLANT

VERSUS

VIDUSHI JAIN BAJORIA ...RESPONDENT

J U D G M E N T

N.V. ANJARIA, J.

Leave granted.

2. What is under challenge in this Appeal is judgment and order dated 15.12.2025 passed by the Division Bench of the High Court at Calcutta[1] in FMAT No.466 of 2025. Thereby the High Court allowed the Appeal of the respondent-wife herein and set aside order dated

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Date: 2026.09.22 17:59:07 IST
Reason:

[1] **Hereinafter, "High Court"**

01.11.2025 passed by learned Civil Judge, Senior Division, 1st Court, Alipore, South 24 Parganas[2] in Title Suit No. 1656 of 2025 granting anti-suit injunction to the appellant-husband.

2.1 The Alipore Trial Court, by the said order, had restrained the respondent-wife herein, her men and agents from prosecuting, continuing, or taking any step or further step in or in connection with the proceedings of Case Nos. 1727-9691-3028-3233 and 1728-5776-1486-0043 instituted by the respondent-wife against the appellant-husband herein, before the Central Family Court, United Kingdom (UK)[3], and in respect of any other proceedings of like nature between the parties before any foreign Court.

2.2 The proceedings before the UK Family Court by the respondent-wife were a divorce application contending that the marriage had irretrievably broken down. The said order of the Alipore Trial Court was passed while issuing notice upon the defendants to show cause by the next date of hearing, to be 01.12.2025. It was an interim order in the

[2] **Hereinafter, "Alipore Trial Court"**
[3] **Hereinafter, "UK Family Court"**

nature of anti-suit injunction pending the main proceedings before the UK Family Court.

3. It is relevant to notice the facts. The relationship between the parties, who are now strewn apart and embroiled in the divorce litigation both before the Indian and Foreign courts, dates back to the year 2014-2015, when the respondent-wife relocated in the United Kingdom[4] to pursue higher studies and cohabited with the appellant-husband herein in London, who is stated to have facilitated securing employment for her. They married in Kolkata on 15.12.2018 as per Hindu customs. They both stayed together in London during the years 2018-2020 at Flat 14, Academy Gardens, London. In February 2021, the respondent-wife left UK and again came to India to remain in this country till March 2022, studying Pranic healing at an ashram.

3.1 The appellant-husband arranged in March 2022 the spousal visa for the respondent-wife for resuming their matrimonial life in UK. The parties returned to India in October 2023 and resided together at the appellant-

[4] **Hereinafter, "UK"**

husband's family residence at Kolkata, during which period, the appellant-husband used to visit other countries for his business purposes. From 11.11.2023, the parties started living separately, though under the same roof. On 16.11.2023, the respondent-wife left her matrimonial residence to shift to her parental home at Kolkata.

3.1.1 Matrimonial Suit No. 2643 of 2024 came to be instituted on 04.09.2024 by the appellant-husband before the Court of 1st Additional District Judge at Alipore[5] under Section 13 of the Hindu Marriage Act, 1955[6] seeking a decree of divorce and dissolution of marriage. The ground put forth by the appellant-husband was that they had not cohabited together since November 2023 and that their marriage had broken down irretrievably.

3.1.2 The respondent-wife, on the other hand, initiated proceedings before the UK Family Court by filing UK Case No.1727-9691-3028-3233 on 10.10.2024, wherein she prayed for dissolution of marriage with the appellant-husband on the ground of irretrievable breakdown of

[5] **Hereinafter, "Alipore Family Court"**
[6] **Hereinafter, "Hindu Marriage Act"**

marriage. The ancillary proceedings were also initiated on the same day by the wife by filing UK Case No. 1728-5776-1486-0043, seeking interim financial relief in the nature of claim for maintenance and related monetary orders. It appears that the UK Family Court by order dated 06.12.2024, allocated the case to the District Judge Ashworth treating the case to be a complex case.

3.1.3 The appellant-husband participated in the aforementioned proceedings before the UK Family Court without submitting to its jurisdiction, whereas the respondent-wife asserted her continued residence in UK by relying on her student visa which was valid up to 29.09.2026. The divorce proceedings instituted by the appellant-husband before the Alipore Family Court were contested by the respondent-wife by filing written statement on 17.03.2025, in which she raised various grounds including that she had stayed for most of the times in London, including at the time when the appellant-husband filed the suit in India.

3.1.4 The UK Family Court passed an order dated 16.05.2025 and directed the appellant-husband to pay the

interim maintenance and costs. The UK Family Court on the same day by separate order appointed a Senior Advocate as Single Joint Expert on Indian law. The appellant-husband was directed to furnish the details regarding ownership of Flats Nos. 14 and 58, Academy Gardens. The appellant-husband raised an objection regarding jurisdiction of the court. On 16.05.2025, the UK Family Court passed order on the objection as to jurisdiction and directed to determine the issue of jurisdiction as a preliminary issue, requiring the petitioner before it – the wife, to disclose the details relating to the ownership and control of the residential property at Academy Gardens, London where the parties had spent most of their marital life.

3.1.5 It appears that the respondent-wife thereupon moved an application before the UK Family Court seeking permission to file second divorce petition and to dismiss her first application dated 10.10.2024. She prayed to continue the relief granted and the orders passed in that regard in the proceedings of the application filed in the first instance. The UK Family Court granted such permission. In the meantime, the application filed by the wife under Section 151 of the

Code of Civil Procedure, 1908[7], seeking stay of the proceedings initiated by the appellant-husband in India on the ground of pendency of the proceedings in the UK Family Court, came to be dismissed.

3.1.6 The second divorce application of the respondent-wife permitted by the UK Family Court on 28.10.2025 was directed to be heard from 08.12.2025 to be confined to the issue of jurisdiction or the forum. The interim financial proceedings and the related orders earlier passed by the UK Family Court in the previous proceedings were continued.

3.1.7 The respondent-wife also filed an application under Section 151, CPC seeking stay of the proceedings of Matrimonial Suit No. 2643 of 2024, which was the divorce suit instituted by the appellant-husband. The said application came to be rejected by order dated 25.09.2025. The Indian court held that the appellant-husband's divorce petition was maintainable and it shall proceed under the Hindu Marriage Act notwithstanding the pendency of the proceedings in the UK Family Court. Revision petition filed

[7] **Hereinafter, "CPC"**

by the wife against the said order dated 25.09.2025 is pending and an order has been passed for referring the matter to mediation.

3.1.8 In the meantime, the UK Family Court by order dated 10.12.2025 determined the issue of appropriate forum for the divorce proceedings between the parties holding that the UK Family Court was the convenient forum for the parties to pursue the divorce proceedings.

3.2 It was thereafter that on 31.10.2025, the appellant-husband instituted Title Suit No. 1656 of 2025 before the Court of learned 1st Civil Judge (Senior Division), Alipore, in which a declaration was sought for that the proceedings initiated by the respondent-wife in UK were vexatious and without jurisdiction. A further relief of permanent injunction for restraining the respondent-wife from prosecuting the proceedings was prayed for. The appellant-husband claimed a sum of Rs.2,40,00,000/- along with interest at 18% per annum towards the amounts paid by him pursuant to the orders of the UK Family Court passed in favour of the respondent-wife, including seeking an amount of

Rs.85,00,000/- towards legal expenses claimed to have been incurred in defending the court proceedings in UK.

3.2.1 In the aforementioned title suit, the appellant-husband filed an application under Order XXXIX Rules 1 and 2 read with Section 151, CPC before the Alipore Trial Court, in which the appellant-husband sought for temporary injunction in the Indian proceedings against respondent-wife's continuation of the proceedings initiated in UK Family Court for divorce by respondent-wife. The Alipore Trial Court granted *ex-parte ad interim* anti-suit injunction by order dated 01.11.2025 restraining the respondent-wife from prosecuting or taking any further steps in the pending matrimonial and financial proceedings before the UK Family Court.

3.2.2 It was said order of the Alipore Trial Court that came to be called in question by the wife before the High Court and was set aside by the High Court, which now is under challenge in this Appeal.

3.3 However, before turning to the order of the High Court impugned herein, certain developments post the said

order dated 01.11.2025, may be noticed in order to complete the narration of chain of events. On 10.11.2025, the respondent-wife moved an application before the High Court of Justice, Family Division, England and Wales seeking injunctive and declaratory relief against the appellant-husband in relation to Indian anti-suit injunction order dated 01.11.2025 and in respect of the connected proceedings pending before the court in India. The High Court of Justice, Family Division, England and Wales passed an *ex-parte* order and restrained the appellant-husband from enforcing and relying upon Indian anti-suit injunction and not to take any steps which may undermine the English proceedings, reaffirmed the right of the wife to continue the proceedings before the UK Family Court.

3.4 While passing order dated 01.11.2025 to grant anti-suit injunction, the Alipore Trial Court took the view that the cause of action espoused by the respondent-wife in the proceedings before UK Family Court was not recognised under the Indian law inasmuch as the ground of irretrievable breakdown of marriage was not to be a good ground under the Indian law for passing the decree of

divorce, that even if a decree of divorce on the said ground was to be passed by the UK Family Court, it would not be enforceable in India under Section 13, CPC. It was observed that the expert Senior Advocate who was appointed by the UK Family Court gave similar opinion that the jurisdiction could not have been exercised by the UK Family Court and also that the order of maintenance passed by the said foreign court was not binding on the parties.

3.4.1 The aspect was taken into account that by order dated 25.09.2025, the Alipore Family Court had rejected the prayer of the respondent-wife under Section 151, CPC for stay of the matrimonial proceedings and the Alipore Family Court affirmed that it alone had jurisdiction over the matrimonial dispute between the parties. It was the view of the Alipore Trial Court that the maintenance amount awarded by the UK Family Court was not according to law and was oppressive and onerous in nature. According to Alipore Trial Court, the temporary protection was required to be granted to the appellant-husband as the balance of convenience was in his favour and further that the continuation of the foreign proceedings would give rise to the

multiplicity of actions and conflict of jurisdictions. Resting on such grounds, the Alipore Trial Court justified the grant of anti-suit injunction.

3.5 The High Court in its judgment impugned herein allowed the Appeal of the respondent-wife and set at naught the order of anti-suit injunction dated 01.11.2025 passed by the Alipore Trial Court for the reasons recorded by it. The High Court, dealing with the submissions on the aspect of *forum non conveniens* observed that the said principle would normally apply to the court where the proceedings were initiated and that it is for such court to decide that it is a *forum non conveniens* and to consider on such ground whether to dismiss or permit the proceedings to be instituted before another court which is more convenient to the parties. It was thus held by the High Court that it was for the UK Family Court which could invoke the *forum non conveniens* principle.

3.5.1 Regarding the contention as to whether the respondent-wife was habitual resident for one year prior to the filing of the divorce petition which was the requirement under Section 5(2)(d) of the Domicile and Matrimonial

Proceedings Act, 1973[8], it was observed that the issue was arguable and required adjudication by appropriate forum. The High Court noted that the UK Family Court had already stayed the divorce and maintenance proceedings pending adjudication of the forum/jurisdiction issue, thus the competence aspect was already under consideration.

3.5.2 The High Court further stated that even if the concept of irretrievable breakdown of marriage which was treated as a facet of cruelty, was to be considered, it was pre-mature to opine on the said aspect. The concept of comity of courts recognised under Sections 13 and 14, CPC was highlighted by the High Court. It was also observed that the courts having jurisdiction in different countries would respect each other's jurisdiction and that since the adjudication was pending before the UK Family Court, it would be inappropriate to grant any order in the nature of anti-suit injunction.

3.5.3 It was also stated that the order of alimony passed by the UK Family Court created an accrued right in favour

[8] **Hereinafter, "Domicile Act"**

of the respondent-wife which aspect also ought to have dissuaded in the court in India from granting anti-suit injunction, more particularly, when the UK Family Court already fixed the forum/jurisdiction issue.

4. Learned Senior Counsel Ms. Meenakshi Arora for the appellant-husband raised the following submissions:

(i) The Alipore Trial Court was justified in restraining the respondent-wife from prosecuting parallel proceedings before the foreign court which were oppressive.

(ii) The Alipore Trial Court exercised its jurisdiction within the settled parameters governing the grant of an anti-suit injunction, with the object of preventing multiplicity of proceedings and avoiding the possibility of conflicting decisions.

(iii) The High Court overlooked the fact that the parties were Indian citizens married in accordance with the provisions of the Hindu Marriage Act and that the foreign proceedings

initiated by the respondent-wife were found on grounds not recognized under the Hindu Marriage Act and thus remained vulnerable under Section 13, CPC.

(iv) The judgments rendered by this Court in ***Y. Narasimha Rao and Others v. Y. Venkata Lakshmi and Another***[9] and ***Kishorekumar Mohan Kale v. Kashmira Kale***[10] were relied on to contend and buttress the submission that the ground of relief granted by a foreign Court has to be consistent with the matrimonial law governing the parties.

(v) It was sought to be highlighted the fact that the proceedings instituted by the appellant-husband were earlier in point in time and subsequently the respondent-wife instituted the divorce and maintenance proceedings to exert pressure and to subject the appellant-

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[9] (1991) 3 SCC 451
[10] 2026 SCC OnLine SC 448

husband to parallel and inconsistent adjudicatory processes.

4.1 On the other hand, learned Senior Counsel Ms. Shobha Gupta appearing on behalf of the respondent-wife contended that the appellant-husband's reliance on possible non-recognition of a future foreign decree under Section 13, CPC was pre-mature and that the recognition of a foreign decree depends on the jurisdiction exercised, observance of the principles of natural justice and cannot be determined merely upon the nomenclature of the ground on which the decree is granted. It was further contended that the power to grant anti-suit injunction must be exercised with circumspection, where the refusal of injunction may defeat the ends of justice.

4.1.1 It was next contended on behalf of the respondent-wife that the judgment in ***Y. Narasimha Rao*** (supra) was concerned with the recognition and conclusiveness of foreign matrimonial decrees after they are passed and did not mandate restraining pending foreign proceedings on the apprehension of future non-recognition under Section 13, CPC. It was further submitted that the matrimonial home of

the parties was established in UK, thus the English Court was the appropriate forum to entertain the matrimonial proceedings. It was also contended that the appellant-husband failed to establish any circumstance justifying the grant of relief of anti-suit injunction and that he had been residing in UK since the age of 14-15 years, returning to India only to avoid the divorce and financial remedy proceedings pending in UK.

5. 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.

5.1 It is true 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 recognised principles which govern the discretion of the court in granting anti-suit injunction.

5.2 In **Modi Entertainment Network and Another vs. W.S.G. Cricket Pte. Ltd.**[11], the principles on this score were set out. The first is that the defendant, against whom the injunction is sought, should be amenable to the personal jurisdiction of the court. The next is that if the injunction is declined, the ends of justice will be defeated and injustice will be perpetuated. The third principle is about comity of courts.

5.2.1 In case where more forums than one are available, the court in exercise of its discretion to grant anti-suit injunction, will examine as to which is the appropriate forum having regard to the convenience of the parties and may grant anti-suit injunction with regard to proceedings

[11] **(2003) 4 SCC 341**

which are oppressive or vexatious or in a *forum non conveniens*. These very principles laid down in **Modi Entertainment Network** (supra) came to be reiterated by the Division Bench of the High Court of Gujarat in **Mashreq Bank PSC vs. Indian Overseas Bank and Others**[12].

5.2.2 The High Court of Delhi in **Raaj Unocal Lubricants Limited vs. Apple Energy Private Limited and Another**[13] highlighted the aspect of judicial comity while exercising powers under Order XXXIX Rules 1 and 2 and Section 13, CPC in granting anti-suit injunctions. It was stated that the only provision available in CPC is Section 13 which permits an Indian court to treat a foreign judgment to be not conclusive and thus, Indian courts have no authority to stall the proceedings in a foreign court.

5.2.3 **Raaj Unocal Lubricants Limited** (supra), the High Court of Delhi observed in paragraph 36 of the judgment,

> "Anti-suit injunctions are, on the other hand, granted to bring to a halt the prosecution, by one or the other party before the Indian courts, of the proceedings pending in a foreign court. It is axiomatic that a court in one sovereign jurisdiction, cannot stay proceedings pending before a court in another sovereign jurisdiction, for the simple

[12] **2021 SCC OnLine Guj 2678**
[13] **2021 SCC OnLine Del 2395**

> reason that courts do not possess appellate or supervisory powers across political boundaries. An anti-suit injunction, therefore, does not stay proceedings before the foreign court, but merely restrains the party, before the Indian court, from prosecuting, or continuing to prosecute, the proceedings before the foreign court. It is a directive to the party before the Indian court, over which the Indian court possesses jurisdiction, and not a direction to the foreign court, or even a direct interference with the continuance of the proceedings before the foreign court."

5.3 The oppressive or vexatious nature of the proceedings and irreparable harm are the 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.

5.4 Examining the High Court's judgment, it 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.

5.4.1 In **Arif Azim Company Limited vs. Micromax Informatics FZE**[14], this Court stated about the term and the doctrine of "*forum non conveniens*" thus,

> "The term "*forum non conveniens*" is a Latin term which means "an inconvenient forum" and provides that a court which otherwise might have jurisdiction may decline jurisdiction over a case if there is a more appropriate forum available to the parties, and is typically invoked in respect of cross-border subject-matters that are amenable to multiple concurrent jurisdictions. Depending upon the nature of the dispute, the subject-matter involves and the parties thereto, the courts by invoking this doctrine proceed to determine which one of the available forums may be more convenient and fair for entertaining and adjudicating the matter.
>
> (Para 71)

[14] **(2025) 9 SCC 750**

5.4.2 This Court stated that in order to apply the doctrine of *forum non conveniens* an adequate alternative forum capable of providing fair and adequate remedy must exist where the subject-matter may be espoused. It was stated that this does not mean that the alternative forum must offer identical remedies. The courts exercise a high level of discretion and often issue rulings that are fact specific.

5.4.3 In **Modi Entertainment Network** (supra), this Court referred to with approval and relied on an English decision in **Spiliada Maritime Corporation vs. Cansulex Ltd.**[15]. The House of Lords laid down the principle thus,

> "The fundamental principle applicable to both the stay of English proceedings on the ground that some other forum was the appropriate forum and also the grant of leave to serve proceedings out of the jurisdiction was that *the court would choose that forum in which the case could be tried more suitably for the interests of all the parties and for the ends of justice*"

5.4.4 The doctrine of *forum non conveniens* was explained by this Court in a recent judgment in **Baksish Ahmad vs. Union of India and Another**[16],

> "The doctrine of *forum non conveniens* applies only where multiple fora are available to a litigant for

[15] **(1986) 3 All ER 843**
[16] **2026 SCC OnLine SC 1098**

> seeking the same remedy; and, when such multiple fora are available, the forum which has been approached is entitled in law to examine whether any other forum is more convenient and/or better suited to consider and decide the claim that has been raised by the aggrieved litigant. For informed reasons, the forum seized of the claim may refuse to entertain the claim and leave the said litigant free to approach the other forum."
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> (Para 29)

5.5 The court should exercise the discretion by taking into account various attendant factors. Ordinarily, the burden to prove that the court or forum *in seisin* of the matter is an inconvenient forum or the proceedings are oppressive or vexatious at such forum lies on the party contending the same.

5.5.1 As a matter of principle of law and the judicial discretion, the grant of anti-suit injunction is not a 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.

5.5.2 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, after divergent.

5.6 This Court in **Dinesh Singh Thakur vs. Sonal Thakur**[17], underlined that anti-suit injunctions by their very nature interject the proceedings within the jurisdiction of another court in foreign country to assert that the injunction in the nature of anti-suit injunction could be granted sparingly,

> "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."
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> [Para 13]

[17] **(2018) 17 SCC 12**

5.6.1 The facts involved in **Dinesh Singh Thakur** (supra) are comparable and akin to the facts involved in the present case. The marriage between the husband and wife in that case was solemnised in the year 1995 as per Hindu rites. Two children were born out of the wedlock. The husband had been working in the United States of America (USA) at the time of marriage and took the wife to USA on dependent visa. Both got the USA citizenship and subsequently became the overseas citizens of India. The husband filed petition under Section 13 of the Hindu Marriage Act against the wife before the Family Court, Gurugram in the year 2016. The wife also filed a divorce petition in the Circuit Court, Florida, USA on the ground of irretrievable breakdown of marriage and also seeking other related reliefs.

5.6.2 The husband residing in USA instituted a civil suit before the District Judge, Family Court, Gurugram seeking permanent injunction and declaration *inter-alia* to restrain the wife from pursuing the petition for divorce before the USA Court. The District Judge passed the order granting *ex-parte ad-interim* injunction in favour of the husband. The wife filed an application for vacation and modification of the

order which was allowed by the District Judge. The High Court dismissed the revision petition preferred by the husband.

5.6.3 This Court dismissed the appeal of the husband and rejected the contention of the husband that the proceedings of divorce in the foreign court on the ground of irretrievable breakdown of marriage was not maintainable as the same was not a ground of divorce under the Hindu Marriage Act. It was observed that though the said ground of breakdown of marriage required consideration, the mere fact that the wife filed the case on the ground which is not available to her under the Act, did not mean that there was a likelihood of her succeeding in getting a decree for divorce.

5.6.4 It was further stated that the foreign court cannot be presumed to be exercising its jurisdiction wrongly even if the husband proves that the parties continue to be governed by the law governing Hindus in India in the matter of dispute between them.

5.6.5 In **Dinesh Singh Thakur** (supra), after the District Judge, Gurugram granted *ex-parte* injunction by order dated

26.09.2016 to the husband, the aggrieved wife filed an application for vacation and modification of the said order. The District Judge by order dated 18.10.2016 vacated the injunction granted to the husband on 26.09.2016. The husband preferred appeal before the High Court which came to be dismissed and this Court also refused to interfere with the decision of the High Court in the facts of the case and applying the relevant principles in respect of grant of anti-suit injunction.

5.6.6 The law laid down in **Dinesh Singh Thakur** (supra) would apply to the facts of the present case by reverse logic.

5.7 In the case on hand also, the very ground was sought to be raised by the appellant-husband for staying of the proceedings in the UK Family Court on the footing that the divorce case by the respondent-wife was the ground of irretrievable breakdown of marriage and since that ground is not recognized as valid ground for divorce under the Indian law, the decree of divorce which may be passed by the UK Family Court would not have an efficacy or enforceability. This was entirely a misplaced ground raised

by the appellant-husband in view of the stage and status of the suit before the UK Family Court.

5.7.1 The main proceedings are pending, and all the issues are at large including the jurisdiction of that court. The ground raised by the respondent-wife for divorce was required to be established on evidence by her. On the speculative consideration that the suit would be decreed by the UK Family Court on the ground of irretrievable breakdown of marriage, anti-suit injunction would not have been granted by the Alipore Trial Court. It adverted to a pre-mature ground at pre-mature stage and thus erred in proceeding to pass the anti-suit injunction order projecting that ground.

5.8 Applying the doctrine of *forum non conveniens* to the facts of the present case, the High Court was justified in holding that the *forum conveniens* was the court in UK. By way of a settled residence, the appellant-husband and respondent-wife stayed in UK. The appellant-husband had been residing in UK for several years since the age of 14-15 years. The respondent-wife was on student visa to be in UK and was a "habitual resident" of UK. Although their marriage

was solemnised in India at Kolkata, most of the times prior to the marriage and post marriage, they resided at 14 Academy Gardens, Duchess of Bedford Walks, Kensington, London W8 7QQ, UK. At the time of filing of the suit in India, the respondent-wife was residing in UK at the abovementioned address.

5.8.1 Both parties lived together as husband and wife in London, UK and had established their interests in that country showing the intentions to permanent stay there. Thus, the proceedings initiated by the respondent-wife before the English Court were founded on the substantial connecting factors. These factors included the prolonged matrimonial life, making London as habitual centre of interests, having matrimonial home and having financial arrangements also in UK.

5.9 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 foreign court by way of anti-suit injunction, when they are

at an inchoate stage and have not culminated into a final decision. When the Alipore Trial Court granted anti-suit injunction ignoring this factual aspect that the proceedings at the UK Family Court had not concluded, it committed a patent error.

6. At this stage, it deserves to be noted that during the pendency of the SLP (the present appeal), the English District Judge, Shorthose, at the Birmingham Civil and Family Justice Centre, passed a conditional divorce decree on 17.06.2026 in Case No. 1764-2820-3963-5147. In that light, Interlocutory Application No.212238 of 2026 was filed by the appellant-husband, upon which this Court, on 30.07.2026, granted stay. The respondent-wife, her agents and servants were restrained from proceeding pursuant to the Conditional Divorce Order dated 17.06.2026.

7. While the said development took place during the pendency of the present appeal, the substratum of challenge in this Appeal remained confined to anti-suit injunction order passed by the Alipore Trial Court on 01.11.2025, which was set aside by the High Court by the impugned judgment. This court has accordingly examined the merits

of the said order dated 01.11.2025 only and adverted to the legal justification of its vacation by the High Court in the present judgment.

8. The either of the parties are at liberty to challenge, as may be advised, any further and final orders, which may be passed by the UK Family Court by which they may feel aggrieved in accordance with law and before the competent forum available raising of the grounds as may be available in law including the aforementioned order dated 17.06.2026 passed against the appellant-husband.

9. This Court has not expressed any opinion on the said count and the observations made in the present judgment will not have any influential effect on any further proceedings which, the aggrieved party, may require to undertake.

10. For the reasons supplied by the High Court and those additionally delineated and discussed hereinabove, the judgment and order dated 15.12.2025 passed by the High Court at Calcutta in FMAT No.466 of 2025 allowing the appeal, setting aside the order dated 01.11.2025 passed by

the 1st Civil Judge (Senior Division), Alipore in Title Suit No.1656 of 2025 and vacating anti-suit injunction, is eminently just and legal. It deserves to be upheld. The same is accordingly upheld.

11. The present appeal, accordingly, stands dismissed.

Any and all interlocutory applications, as may be pending, shall not survive in view of dismissal of the main appeal.

.....J.
[S.V.N. BHATTI]

.....J.
[N.V. ANJARIA]

NEW DELHI;
SEPTEMBER 22, 2026.