

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.391 of 2016 and
CMP.No.10434 of 2016

Glory

...Petitioner

versus

S.Sampath

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the FCOP No.122 of 2015 pending on the file of Family Court, Chengalpet and transfer the same to Principal Family Court, Chennai.

For Petitioner : Mr.M.Shreedhar
For Respondent : Mr.K.G.Senthil Kumar

O R D E R

The respondent in FCOP No.122 of 2015 on the file of Family Court at Chengalpet is the petitioner in this transfer petition.

2. The learned counsel for the petitioner submitted that the petitioner wanted to settle the matter and to continue cohabitation. Even though a request was made to the learned Presiding Judge, Family Court, Chengalpet, to refer the matter to mediation, the same was not adhered to. According to the learned counsel, there is a possibility of settlement, in case, the matter is referred to mediation. The learned counsel for the petitioner on instructions from the petitioner, who is present in Court further submitted that the petitioner would be satisfied, in case, a direction is given to the learned Judge, Family Court, Chengalpet, to refer the parties to mediation instead of transfer of proceedings.

3. The learned counsel for the respondent also agreed to the said suggestion, as according to him, it was only the petitioner, who dragged the matter under one pretext or the other.

4. The petitioner filed this petition for transferring the proceedings from the Family Court, Chengalpet to the Family Court at Chennai. The petitioner is a resident of Vandalur. She is coming from Vandalur to Chennai every day in connection with her employment. The petitioner is aggrieved by the inaction on the part of the Trial Court to send the parties to mediation. In fact, the

petitioner now wanted only an order to refer the matter to mediation and not a transfer from Family Court, Chengalpet to Family Court, Chennai.

5. The learned Judge, Family Court, Chengalpet, is directed to refer the parties to mediation. In a matter involving matrimonial dispute, the endeavour of the Family Court at the first instance must be to try for a settlement. It is only in case the mediation or other conciliation method fails, the matter could be taken up for disposal on merits. The learned Family Judge, Chengalpet, is further directed to see that the matter is settled at the first instance before the taking up the matter for trial.

6. The Transfer CMP is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

The Family Court Judge,
The Family Court, Chengalpet

+1cc to Mr.K.G.Senthil Kumar, Advocate, S.R.No.54182

Transfer CMP No.391 of 2016

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