

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 10.02.2016

CORAM

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI**Tr.C.M.P(MD)No.475 of 2013 and****M.P(MD)No.1 of 2013**

Meenakshi @ Meena

... Petitioner/Respondent

Vs.

H.Srinivasan

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to order transfer of H.M.O.P.No.156 of 2008, pending on the file of the learned Principal Subordinate Judge, Tiruchirappalli to the file of learned Principal Subordinate Judge, Thanjavur.

For Petitioner : M/s.V.Chandrasekar

For Respondent : M/s.C.Dhanaseelan

ORDER

The Transfer Civil Miscellaneous Petition is filed to order transfer of H.M.O.P.No.156 of 2008, pending on the file of the learned Principal Subordinate Judge, Tiruchirappalli to the file of learned Principal Subordinate Judge, Thanjavur.

2.The Petitioner is the wife and the respondent is the husband. The marriage between them was solemnized on 03.02.2002 at Ayyampettai, Thanjavur according to Hindu rites and customs and out of their wedlock, a male child was born to them. Due to some dispute, both the Petitioner and respondent are living separately. While so, the respondent/husband filed H.M.O.P.No.156 of 2009 for divorce, on the file of Sub-Court, Tiruchirappalli. On 18.11.2013, when the Petitioner returning from the Court, the respondent threatened her that she should not appear before the Court for enquiry. Immediately, she lodged a complaint before the Inspector of Police, Sessions Court Police Station, Cantonment, Tiruchy. As the Sub-Inspector of Police did not



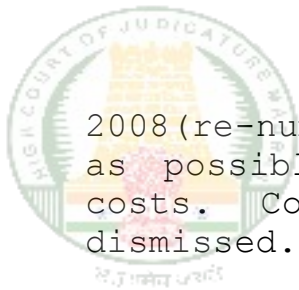
receive the complaint, the Petitioner sent the same by registered post to the Sub-Inspector of Police and also to the Superintendent of Police, Tiruchy. It is further submitted that the Petitioner is residing at Ayyampettai, Tiruchy and she is having a minor son and no one is there to accompany her to attend the Court at Trichy and also it is difficult for her to bring the witness to Trichy and she apprehends danger to her life.

3. When the matter is pending, this Court referred the matter before Mediation and Conciliation Centre attached to this Bench. After conciliation, the Mediation and Conciliation Centre sent a report on 07.04.2014 stating that the mediation could not succeed and referred the matter back to the Court.

4. The learned counsel for the respondent submitted that the Petitioner left the matrimonial home in the year 2003 and subsequently, the respondent filed H.M.O.P.No.156 of 2008 for restitution of conjugal rights on the file of Sub-Court, Trichy and he took all efforts for re-union and on the advise of elders, she joined the matrimonial home and again within a month she left the matrimonial home and hence the respondent filed the above O.P for restitution of conjugal rights and the Petitioner has also filed counter affidavit. The learned Judge posted the matter for enquiry. The respondent filed proof affidavit on 05.12.2013 and at that point of time, the Petitioner has come out with the present Transfer Petition.

5. This Court while referring the matter to Mediation and Conciliation Centre of this Bench for an amicable settlement, granted an order of interim stay till the mediation process is over. Mediation report was filed on 7.4.2014 stating that mediation could not succeed. In the mean time, H.M.O.P.No.156 of 2008 is transferred to the file of Family Court, Trichy and re-numbered as H.M.O.P..No.743 of 2014 and the same is pending and from that date the Petitioner is appearing before the Family Court, Trichy and hence the learned counsel for the respondent prayed for dismissal of this Petition.

6. Considering the facts and circumstances and considering the fact that H.M.O.P is pending from the year 2008 and the respondent also filed proof affidavit and Petitioner also regularly appearing before the Family Court, Trichy, this Court is inclined to give a direction to the Family Court, Trichy to dispose of the case within a time-
<https://hcservices.courts.madras.gov.in/hcservices> accordingly, the Transfer Civil Miscellaneous Petition is dismissed, with a direction to the learned Judge, Family Court, Trichy to dispose of the case H.M.O.P.No.156 of



2008 (re-numbered as H.M.O.P.No.743 of 2014) as expeditiously as possible, in any event, not later than 30.06.2016. No costs. Consequently, connected Miscellaneous Petition is dismissed.

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Sd/
Assistant Registrar (Co.Dept)

/True Copy/

Sub Assistant Registrar

vsn

To

1. The Judge,
Family Court,
Trichy.
2. The Subordinate Judge,
Tiruchirappalli.

+One CC to M/s.V.Chandrasekar, Advocate in Sr.No.8021

+One CC to M/s.C.Dhanaseelan, Advocate in Sr.No.8722

CN/MPA/26.2.2016/5c-3p/

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