

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2017

CORAM :

THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

Tr.C.M.P. No.331 of 2017

and CMP.No.6515 of 2017

V.Sathya

... Petitioner/Respondent

Vs.

Muruganandam

... Respondent/Petitioner

Prayer:- Petition filed under Section 24 of C.P.C., praying to withdraw F.C.O.P.No.63 of 2017 pending on the file of the Family Court, Salem and transfer the same to the file of Family Court at Dharmapuri, to be tried along with F.C.H.M.O.P.No.63 of 2017 pending on its file.

For Petitioner : Mr.D.Selvaraju

For Respondent : Mr.V.R.Annagandhi

O R D E R

This transfer petition is filed to withdraw the proceedings in F.C.O.P.No.63 of 2017 pending on the file of the Family Court, Salem and to transfer it to Family Court at Dharmapuri, to be tried along with F.C.H.M.O.P.No.63 of 2017 pending on its file.

2. The petitioner is the wife and respondent is the husband. The case of the petitioner is that the marriage between the petitioner and respondent was conducted on 27.04.2014 as per Hindu rites and customs. The respondent was employed in Bangalore and therefore, after marriage, they both lived at Bangalore. The respondent had cordial relationship with the petitioner only for three months, and thereafter started harassing her on the ground that she did not have any issues. The respondent sent the petitioner to her parents house forcibly for treatment, and refused to take her back to the matrimonial house at Bangalore. In due course, the petitioner received summons in F.C.O.P.No.63 of 2017 filed by the respondent, seeking divorce against the petitioner, on the file of Family Court, Salem. The petitioner also filed a petition in F.C.H.M.O.P.No.63 of 2017 for restitution of conjugal rights before the Family Court, Dharmapuri.

3. According to the petitioner, during her visit to Salem to attend the Court proceedings, she was humiliated and was subjected to mental cruelty by the respondent, even on the first day of hearing itself, with an intention to concede his case for

divorce. Hence, she apprehends danger to her life by the respondent, if she visits Salem to attend the Court proceedings. The petitioner also contends that since the respondent is working at Bangalore, it will be easy for him to attend the Court at Dharmapuri, which is between Bangalore and Salem. Hence, the petitioner has come out with the present transfer petition praying to transfer the F.C.O.P.No.63 of 2017 pending on the file of the Family Court, Salem, to the Family Court at Dharmapuri, to be tried along with F.C.H.M.O.P.No.63 of 2017 pending on its file.

4. The learned counsel for the respondent has no objection in allowing this transfer petition, but however prays for early disposal of the FCOP proceedings. He also made an endorsement to that effect.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

6. This Court, considering the submission made by the learned counsel for the petitioner, and by recording the endorsement made by the learned counsel for the respondent in allowing this application, without deciding the issue on merits, has allowed this transfer petition. Accordingly, the petition in H.M.O.P.No.63 of 2017 is ordered to be withdrawn from the file of the Family Court, Salem and transferred to the file of the Family Court, Dharmapuri and to be tried along with F.C.H.M.O.P.No.63 of 2017. The Family Court, Salem, is directed to transmit all the records pertaining to F.C.O.P.No.63 of 2017 to the file of the Family Court, Dharmapuri, within a period of two weeks from the date of receipt of a copy of this order. The learned Judge, Family Court, Dharmapuri, is directed to dispose of both the FCOP proceedings as expeditiously as possible, in any event, not later than six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ds

To

1.The Family Court,
Salem.

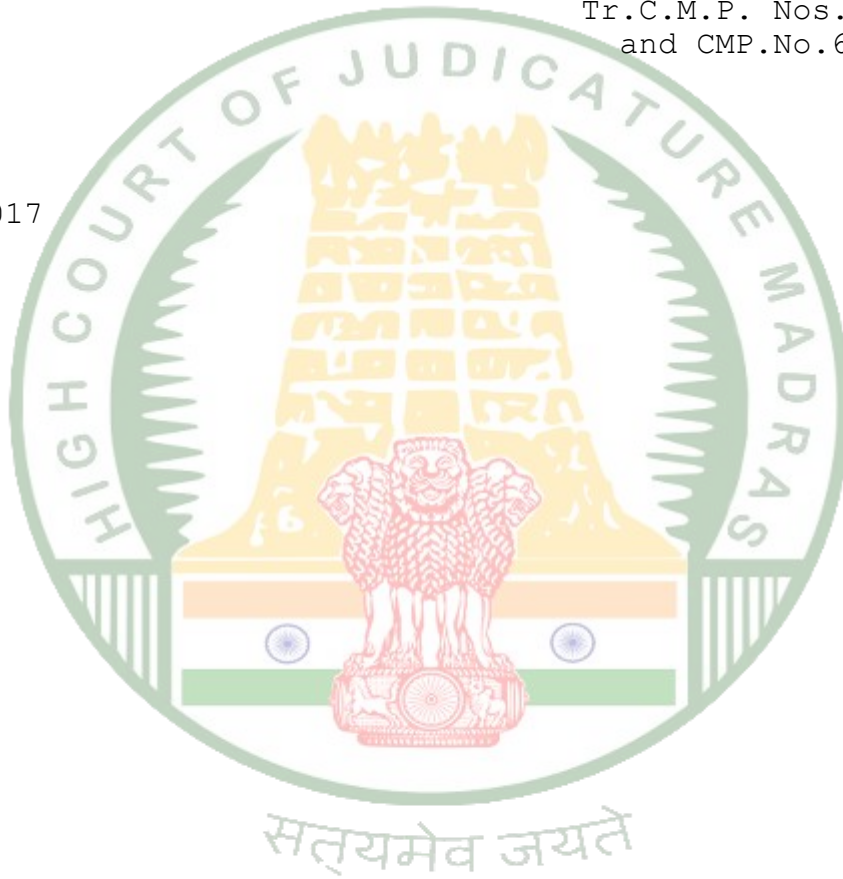
2.The Family Court,
Dharmapuri.

+1 cc to M/s.D.Selvaraju Advocate sr 41409

+1 cc to M/s.V.R.Annagandhi Advocate sr 40729

Tr.C.M.P. Nos.331 of 2017
and CMP.No.6515 of 2017

gmi(co)
aa04/07/2017



WEB COPY