

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2019

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.578 of 2019
and
C.M.P.No.16606 of 2019

T.Krishnapriya

... Petitioner

Vs.

M.Yuvarajakrishnan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the HMOP. No.1871 of 2019 pending on the file of the I Additional Family Court, Chennai and transfer the same to the file of the Family Court, Coimbatore, to be tried along with HMOP. No.739 of 2019.

For Petitioner : Mr.Vijayaraghavan.T.S.

For Respondent : Mr.J.Rajmohan

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the HMOP. No.1871 of 2019 pending on the file of the I Additional Family Court, Chennai and transfer the same to the file of the Family Court, Coimbatore, to be tried along with HMOP. No.739 of 2019.

2. The Respondent and petitioner are husband and wife. The marriage was solemnized between the petitioner and the respondent on 02.04.2017 at Podhigai Residence, Maruthamalai Adivaram, Coimbatore as per Hindu Rites and Custom. The petitioner lost her father during her childhood and she was employed till she got married. After the marriage, the respondent and his family members demanded dowry from the petitioner. When the petitioner was not refused the same, the respondent and his family isolated the petitioner. Due to cruel attitude of the respondent, the petitioner left the matrimonial home and staying in her parental house. Having no other option, the petitioner has filed a petition for dissolution of marriage before the Family Court, Coimbatore in HMOP. No.739 of 2019 and also filed a maintenance case in M.C.No.17 of 2019 before the same Court. As a counter blast, the respondent has filed a petition in HMOP. No.1871 of 2019 for restitution of conjugal rights before the I Additional

Family Court, Chennai. The petitioner/wife is the resident of Coimbatore. She finds it difficult to travel from Coimbatore to Chennai to attend the Court proceedings. Therefore, the petitioner seeks transfer of the petition filed by the husband and to be tried the same along with the maintenance case and divorce petition filed by her to Coimbatore.

3. The learned counsel for the petitioner/wife would submit that now the petitioner is living with her mother in Coimbatore and she has no sufficient means to maintain her day to day expenses. Further, the petitioner has to travel around 500 kilometres to attend the court proceedings at Chennai. Being a lady, she could not travel alone to Chennai and also she is facing physical as well as financial issues. If the case is transferred to Coimbatore, no prejudice would be caused to the respondent. Therefore, it will be appropriate to transfer the case filed by the husband from Chennai to Coimbatore.

4. The learned counsel for the respondent would submit that the respondent is ready and willing to rejoin with the petitioner and he prays to place the matter before the mediation centre.

5. Heard the learned counsel for the petitioner as well as the respondent and also perused the materials available on record.

6. It is seen from the records that both the petitioner and the respondent have filed two different proceedings in two different places.

7. Considering the convenience of both the parties and in order to avoid multiplicity of proceedings, this Court is inclined to transfer the case from Chennai to Coimbatore. Accordingly, HMOP. No.1871 of 2019 pending on the file of the I Additional Family Court, Chennai is to be withdrawn and transferred to the file of the Family Court, Coimbatore, to be tried along with the petitions in HMOP No.739 of 2019 and M.C.No.17 of 2019 filed by the petitioner.

8. The learned counsel for the respondent submitted that the respondent is ready and willing to rejoin with the petitioner. Therefore, this Court is directed the learned counsel for the petitioner to verify as to whether the petitioner is willing to join with the respondent and also find out is there any possibility for reunion. If so, the parties are directed to file appropriate petition before the lower court and place the matter before the mediation. Further, this Court directs both the parties to maintain discipline and decorum before the Court below and also

cooperate with the proceedings.

9. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Family Court, Coimbatore.

2.The I Additional Family Court,
Chennai.

+lcc to Mr.J.Rajmohan, Advocate SR.86788

+lcc to Mr.T.S.Vijaya Raghavan, Advocate SR.86722

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and

C.M.P.No.16606 of 2019

PVS(CO)
CB(03/12/2019)