

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.549 of 2019
and
C.M.P. No.15459 of 2019

Suresh Kumar ... Petitioner/Respondent

-vs-

Baby ... Respondent/Petitioner

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.43 of 2018 on the file of the Subordinate Judge, Hosur and transfer the same to the file of the Family Court Judge, Krishnagiri.

For Petitioner : Mr.A.Balamurugan

For Respondent : No appearance

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.43 of 2018 pending on the file of the learned Sub Judge, Hosur to the file of the learned Judge, Family Court, Krishnagiri.

2.Learned counsel appearing for the petitioner would submit that when the matter was posted on 04.07.2019, the learned counsel for the petitioner has made a request before the learned Sub Judge to refer the matter to Mediation as the petitioner is willing for re-union. Since the counsel appearing for the respondent wife opposed the said request, accepting the same, the learned Sub Judge pleased to direct the counsel for the petitioner to file a memo to that effect. Accordingly, when a memo was filed, opposing the above memo, a counter memo has been filed by the respondent stating that if the case was referred to Mediation, she would commit suicide. In view of the above, the matter was posted on 11.07.2019. As the petitioner sought only for re-union, the learned Sub Judge could have referred the matter before the Mediation to have a chance of re-union.

3.The respondent has sent a letter dated 05.08.2019 to this Court stating that the petitioner used to give physical assault in the presence of the children. Besides, it is alleged that the petitioner has been forcing her children to call one Rajeswari as their mother. As it has been causing unimaginable mental cruelty to her, the respondent, who is presently employed in Bangalore is taking care of two children namely, Tamiliniyan and Amudhini, aged 11 and 7 years cannot undertake long journey, hence, she can't take the children along with her while going to appear before the Court.

4.A perusal of the letter dated 05.08.2019 sent by the respondent would show that since she is taking care of her two children and she has been working in Bangalore, she could not undertake long journey. Accepting her request, this Court is inclined to dismiss the petition and the same is dismissed. No costs. Consequently, C.M.P. No.15459 of 2019 is also dismissed.

5.It is for the Sub Court, Hosur to consider as to whether the matter be referred to Mediation, otherwise, the Sub Court, Hosur to proceed with the matter and dispose of the same expeditiously, on merits.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vga

To

The Subordinate Judge,
Hosur.

+1cc to Mr.A.Balamurugan, Advocate, S.R.No. 73916

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PPA (CO)
GN(09/10/2019)