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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2019

CORAM

THE HON'BLE Mrs. JUSTICE V. BHAVANI SUBBAROYAN

Tr.CMP.No. 706 of 2019
and
CMP No. 20030 of 2019

Jayashree Praveena

..Petitioner

vs

M. Kuppusamy

.. Respondent

Prayer: Transfer Petition is filed under Section 24 of the Civil Procedure code praying to withdraw and transfer the case in H.M.O.P.No.128 of 2019 on the file of Family Court, Sivagangai, Sivagangai District to Family Court, Chennai.

For Petitioner : Mr. G. Shiva Surya

For Respondent : Mr. T. Muthukrishnan

O R D E R

The petitioner herein is the wife who seeks to withdraw the HMOP.No.128 of 2019 pending before the Family Court at Sivagangai, and transfer the same to the file of Family Court at Chennai.

2. The case of the petitioner is that the petitioner married the respondent on 04.06.2017 at Sri Kailasanathar Temple, R.S. Mangalam, Ramanathapuram District as per the Hindu rites and customs.

3. The petitioner states that at the time of marriage, petitioner's parents had given 45 sovereign of gold jewellery and spent more than 10,00,000/- towards marriage expenses and gifted all the household articles worth about Rs.3,00,000/- towards 'Sri Dhana' and paid Rs.3,00,000/- to the parents of the respondent as dowry.

4. Though the respondent and his parents did not demand any dowry at the time of engagement, immediately after a week of



the marriage the respondent and his parents demanded dowry from the petitioner and her parents and started harassing her both physically and mentally. Unbearable of the torture the petitioner handed over 45 sovereigns of gold jewellery to the respondent's mother. But even after receiving the jewels, the respondent and his parents continued the physical and mental harassment demanding additional dowry.

5. On 29.11.2017, the respondent forcibly sent the petitioner to her parents' house and after receiving R.1,00,000/-he allowed her in his home after a lapse of five months. Everytime the respondent used to say he has given life to a poor girl and that no one will marry the petitioner except him. Even after listening to such ill treating words, she continued to run family as dutiful hindu woman. When she was pregnant, her parents decided to celebrate "Valaikappu" function and they selected two dates and informed the same to the respondent and requested him to select any one date to their convenience, but to her shock and surprise, the respondent abused her and her parents in filthy language after speaking with his mother over telephone and beaten her by locking the house door and forcibly removed the Thaali and sent her to her parents' house. One male child was born on 30.07.2018. Thereafter with an intention to solve the issue and dispute with the respondent, her parents arrange peace meeting at her native nearby Sathangulam village and on 04.03.2018, the petitioner and her parents attended the meeting with village elders at the Madakottai Muniswarar Temple and informed the same to the respondent and his parents. But on the day, with an intention to harass the petitioner and her parents, the respondent brought 40 plus drunken persons and before starting the peace talks, the respondent and his people abused the petitioner and her parents and violently beaten them in public place. The respondent and his parents after doing all the violence and harassment against the petitioner, also tried to spread rumors that the petitioner had ran away with a local person. The violent activities, treatments and behavior caused injury to her mind, health and reputation. As she is living separately with her parents under the care of her mother and working for a meager salary, and she is unable to maintain herself and the child.

6. The respondent filed H.M.O.P.No.128 of 2019 before the Family Court, Sivagangai for restitution of conjugal rights and the petitioner who is unemployed and has no means to maintain herself and meet the expenses of travel by bus or train and lodging to attend the proceedings from Chennai to Family Court, Sivaganagai District with one year child. She does not have any accompanying person for aid to appear before the Family Court, Sivagangai.



7. In the Counter affidavit filed by the respondent, the respondent has denied all the averments made in the TrCMP and submitted that the jewellery gifted to her is not known to him and when the petitioner left the house, the jewels were taken away by the petitioner. However, he married the petitioner since she was well mannered and educated person. He denies all the allegations in the said affidavit and submits that on the day of Valaikappu function, the petitioner's parents scolded him and his parents in filthy language. In order to avoid unnecessary quarrel, they left the function hall. Moreover, the birth of the male child on 30.07.2018 was not informed to him and his parents. He came to know about the birth only through third parties and the petitioner never allowed the respondent and his parents to see his child. Thereafter, the petitioner gave complaint before the K.K.Nagar and Mangadu Police Stations which were not yielded any fruitful gain due to the influence made by the petitioner's family. Only due to the adamant nature of the petitioner and her family members, the peace talks held on 04.03.2018 went in vain and the respondent is not the route cause for the same. He denies all the allegations that he and his parents had taken the house hold articles and the gold jewels and on the other hand the respondent used to hand over the entire salary to the petitioner and she is the one who used to maintain and keep the balance with her and the respondent has to seek for daily expenses only from her. Due to the third party's influence, her parents foisted all such allegations and averments against the respondent. He further submits that the petitioner herein is not of such character and behavior, her parents and some others directed her to behave like this, with a mala-fide intention. He further submits that he married the petitioner only to lead a peaceful and happy life. He had filed H.M.O.P No. 128 of 2019 for restitution of conjugal rights and he has no objection to conduct the said petition in Chennai or at any other Court as his main intention is to live with her and the child peacefully. Due to the act of the petitioner, the respondent is living a life without any hope and have not slept for many days properly and have also not eaten proper food for the past several months. The learned counsel for the respondent submits that if a counselling is arranged, the respondent would convince her and she would definitely live with her husband and hence seeks for counselling before the Family Court.

8. In view of the above prayer, this Court is inclined to transfer the HMOP.No.128 of 2019 pending Before the Family Court, Sivagangai, to the Family Court at Chennai. During the first hearing, the said Court can send the parties for mediation to enable the parties to reconcile and join as per their wish.



The TrCMP is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Family Court, Sivagangai,
Sivagangai District.

2. The Family Court
Chennai

Tr.CMP.No. 706 of 2019
and
CMP No. 20030 of 2019

RSK (CO)
SP (23/01/2020)