

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2019

CORAM

THE HON'BLE Mrs. JUSTICE V. BHAVANI SUBBAROYAN

Tr.CMP.No. 766 of 2019

Velvizhi

..Petitioner

vs

Hariprasad
rep.by Power Agent
Hariprakash

.. Respondent

Prayer: Transfer Petition is filed under Section 24 of the Civil Procedure code praying to withdraw the H.M.O.P.No.154 of 2019 pending on the file of Family Court, Cuddalore and to transfer the same to the Family Court, Puducherry.

For Petitioner : Mr. A.R. Suresh
For Respondent : Mr. V. Balamurugan

O R D E R

The petitioner herein is the wife who seeks to withdraw the H.M.O.P.No.154 of 2019 pending on the file of Family Court, Cuddalore and to transfer the same to the Family Court, Puducherry.

2. The case of the petitioner is that she married the respondent on 04.09.2016 as per Hindu rites and customs at Bala Kanniya Padayachi Thirumana Mahal at Kanniyampettai, Cuddalore. The total marriage expenses of about Rs.2,00,000/- was spent by the petitioner's family. The petitioner's family gave 17 sovereigns of gold to the petitioner as demanded by the respondent's family. They were living at Sundaramoorthy Nagar, Pillaithottam, Thiruvandipuram. After 40 days of marriage, the petitioner got pregnant and in order to conform the pregnancy, she underwent card test and from the result it was found that she got pregnant. The respondent was not happy about the pregnancy news and had taken the petitioner to the doctor for consultation. The next day morning, the respondent had given a glass of milk to the petitioner, after few hours, all the respondent's family members went out of the house. Thereafter

the petitioner got severe stomach pain. The respondent and his family members came home very late. After long time, she was taken to hospital and came to know that she had a miscarriage. The mother in law was extremely possessive and jealous about their relationship. The respondent would listen to his mother's words and torture the petitioner at every available opportunity. The respondent used to scold her to demoralize the very womanhood by saying that she was not dressed well, her hair style was not good and that she was not fair skinned like other known girls. When the same is questioned by her, the respondent cut her hair with scissors. On many occasions, respondent used to leave her in her parent's house in the midnight without any valid reason. Due to the said reason, the petitioner had to give a written complaint at Panruti Women Police Station on 15.05.2017. The respondent was called for enquiry only on 25.09.2017 as he was working as Marine Engineer and he could come only after three months. On the day of enquiry, the respondent requested that he is interested to live with the petitioner and sought some time to stay out of his home and live separately. After advice he had also given a undertaking that they will live separately instead of staying in a joint family and apologised in writing. When the wife reached the house of the respondent she was shocked to see that the respondent and his family had vacated the house and gone elsewhere. Hence she filed a Petition in M.O.P.No.342 of 2018 on the file of the Learned Family Judge, Pondicherry for Restitution of Conjugal Rights. Immediately the husband has filed a case against the petitioner for divorce in H.M.O.P.No.199 of 2017 before the Principal Subordinate Judge, Cuddalore and the same was dismissed as not pressed and again he has filed H.M.O.P.No.154 of 2019 before the Family Court at Cuddalore and the same is pending.

3. As she is an unemployed woman and totally depending upon her parents for her livelihood, she could not travel from Puducherry to Cuddalore alone to attend the proceedings.

4. The learned counsel appearing for the respondent had submitted that the parties can attend the proceedings in the respective courts as it is only a short distance from Puducherry to Cuddalore, that is it is only an hour's travel in between Cuddalore and Puducherry. From the averments made in the affidavit, filed by the wife, it is seen that the husband's family had inflicted injuries on her and that the wife is staying at Puducherry. The husband is stated to be working elsewhere as a Marine Engineer and he may not be able to attend the Court proceedings on all hearings. Hence it would be appropriate for this Court to allow the transfer petition filed

by the wife and accordingly this Court directs the transfer of H.M.O.P.No.154 of 2019 pending before the Family Court at Cuddalore to the Family Court at Puducherry to be tried along with M.O.P.No. 342 of 2018.

Since the parties had agreed for sending the matter for mediation for arriving at a settlement if any, when the matter is taken up for hearing by the Family Court at Puducherry the parties may be referred for mediation before commencing the trial. With the above observations, the Tr.C.M.P. is allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrn

To

1.The Judge,
Family Court, Puducherry

2.The Judge,
Family Court, Cuddalore.

+1cc to Mr. A.R. Suresh, Advocate sr.93818

+1cc to Mr. P.Muthukumaarasamy, Advocate sr.93473

Tr.CMP.No. 766 of 2019

rsk(co)
nr 25/02/2020

सत्यमेव जयते

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