



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P. (MD)No.175 of 2019

and

C.M.P(MD) No.4042 of 2019

Janani @ Suganaya

... Petitioner/Respondent

Vs.

R.S.Satheesh Kumar

... Respondent/petitioner

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.16 of 2019 on the file of the Court of the Subordinate Judge at Eraniel, Kanyakumari District and transfer the same to the Principal Sub Court, Dindigul.

For Petitioner : Mr.M.Jothi Basu
For Respondent : Mr.T.Arul

ORDER

The above Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.16 of 2019 on the file of the Court of the Subordinate Judge at Eraniel, Kanyakumari District and transfer the same to the Principal Sub Court, Dindigul.

2.Both the parties would submit before this Court that the dispute between them have been settled out of mediation and the husband has agreed to re-join with the wife, before which the petitioner/wife has to undergo certain treatment.

3.The learned counsel for the respondent/husband has also produced the report which has been given by the Clinical Psychologist, in which he opined as follows:-

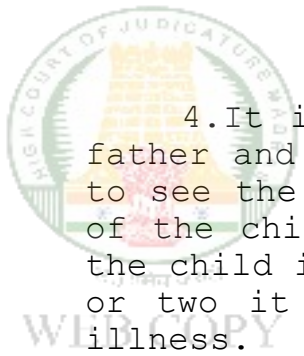
This individual is a person with Borderline Intellectual Disability Disorder (Mental Retardation). There is not adequate support for a Psychotic illness such as Schizophrenia. She may benefit with

A Course of Pharmacotherapy

Family Counselling especially for her mother and her relatives

Individual counselling to improve her responsiveness to husband

However the prognosis appears to be guarded because of the socio-cultural factors of the families.



4.It is also informed to the Court that the child is with the father and it is only monthly visits that the father and child make to see the petitioner. This Court is of the opinion that the visit of the child and respondent/husband should be more frequent and if the child is also permitted to stay over at the petitioner for a day or two it would really hasten the petitioner's recovery from her illness.

5.The learned counsel for the respondent has also agreed to convey this opinion of the Court to his client and would also try and ensure that his client tries to comply with this request.

6.The learned counsel for the petitioner would submit that the respondent/husband has after the compromise asked for divorce, which is refuted by the learned counsel for the respondent.

7.It is needless to state that in case any violation of terms of compromise, the petitioner is free to take steps as law would permit.

8.In view of the above, this Transfer Civil Miscellaneous Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Subordinate Judge,
Eraniel, Kanyakumari District.

2. The Principal Sub Court,
Dindigul

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-89223[F] dated 25/09/2019)

+1 CC to Mr.T.ARUL, Advocate (SR-89662[F] dated 26/09/2019)

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cp

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<https://hcservices.ecourts.gov.in/hcservices/>