



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 22.10.2019

CORAM

WEB COPY

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.291 of 2019

and

C.M.P. (MD)No.6875 of 2019

Kalaiselvi

.. Petitioner/Respondent

Vs.

Raja Sekaran

.. Respondent/Petitioner

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer suit in H.M.O.P.No.64 of 2019 from the file of the learned Sub Judge, Paramakudi to the file of learned Sub Judge at Muthukulathur to try the same.

For Petitioner

: Mr.Raja Karthikeyan

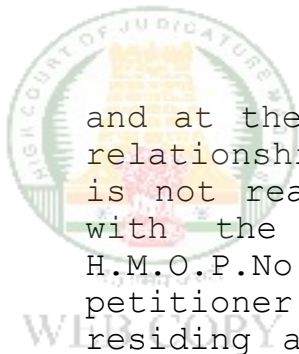
ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking to withdraw H.M.O.P.No.64 of 2019 filed by the respondent, for divorce, on the file of the Sub Court, Paramakudi, to the file of the Sub Court, Muthukulathur.

2.The marriage between the petitioner and the respondent was solemnized on 10.02.2016. The petitioner would submit that the marriage was conducted by her parents expending considerable money. After the marriage, the petitioner and the respondent had moved to Chennai, where the respondent was working as a Physical Trainee in a school. The petitioner and the respondent had lived together happily for two years at Chennai and the petitioner was also contributing to the income by giving tuition to 50 students. It appears that in the year 2018, the respondent's brother had passed away and during the funeral function, there was an altercation between the respondent's mother and the deceased brother's wife and she has threatened the petitioner herein and stated that she was in a relationship with the respondent. The petitioner had to live at her paternal home at Muthukulathur and thereafter, the respondent had not taken steps whatsoever to rejoin the petitioner.

3.On 18.01.2019, he had lodged a complaint before All Women Police Station, Paramakudi directing the petitioner to rejoin him

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and at the police station, the respondent had accepted his illegal relationship with his sister-in-law and he has also stated that he is not ready to forgo the illegal relationship. This was followed with the summons in the petition filed by the husband in H.M.O.P.No.64 of 2019 on the file of Sub Court, Paramakudi. The petitioner has filed the present petition on the ground that she is residing at Kadaladi, which falls within the jurisdiction of Sub Court, Muthukulathur and it would be difficult to her to attend the hearing at Sub Court, Paramakudi.

4.Heard the counsel and perused the papers.

5.Muthukulathur is not at a great distance from Paramakudi that the petitioner cannot commute between the two places. The proceedings are pending before the Sub Court, Paramakudi and it is not necessary for the petitioner to attend each and every hearing. It would suffice if the petitioner engaged service of the counsel. Her presence is required only for oral evidence. Hence, I do not find any merits in allowing the transfer petition. A direction is issued to the learned Sub Judge, Paramakudi to refer the parties to mediation and thereafter, in event of failure of mediation, the usual proceedings may begin.

6.With the above direction, this transfer civil miscellaneous petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Mrn
To

1.The Subordinate Judge, Paramakudi.

2.The Subordinate Judge, Muthukulathur.

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-94330[F] dated 24/10/2019)

Tr.C.M.P. (MD)No.291 of 2019
22.10.2019

JMN(22.11.2019) 2P : 4C

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