

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.192 of 2020

R.Vinitha

..Petitioner/Respondent

-vs-

C.Ravi

..Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.146 of 2019 on the file of the Hon'ble Family Court, Karur and transfer the same to the file of the Hon'ble II Additional Subordinate Court, Coimbatore to be tried jointly along with H.M.O.P.No.26 of 2020.

For Petitioner :: Mr.L.Mouli

For Respondent :: Mr.N.Manokaran

ORDER

Heard learned counsel for the parties through video conferencing due to the Covid-19 pandemic.

2. Mrs.R.Vinitha, Wife of Mr.C.Ravi has come to this Court seeking to withdraw the H.M.O.P.No.146 of 2019 from the file of the Family Court, Karur and transfer the same to the file of the II Additional Subordinate Court, Coimbatore to be tried jointly with the pending H.M.O.P.No.26 of 2020 seeking dissolution of marriage solemnized on 11.11.2018 between the petitioner and the respondent.

3. Mr.L.Mouli, learned counsel appearing for the petitioner submitted that from the first day of marriage, the petitioner came to know that the respondent was not interested in the matrimonial life, because he was having some affair with his friend. Due to the said illegal affair, the petitioner came to her parental home. When the mediation efforts initiated by the well wishers also did not fructify, the petitioner has filed the H.M.O.P.No.26 of 2020 before the II Additional Sub Court, Coimbatore under Section 13(1)(1a) of the Hindu Marriage Act asking for dissolution of marriage. In the meanwhile, she

received a notice from the Family Court, Karur in H.M.O.P.No.146 of 2019 filed by the respondent seeking restitution of conjugal rights. Therefore, the H.M.O.P.No.146 of 2019 filed by the respondent may be withdrawn from the Family Court, Karur and the same be transferred to the II Additional Sub Court, Coimbatore for a joint trial, the learned counsel pleaded.

4. Mr.N.Manokaran, learned counsel appearing for the respondent submits that when the respondent has been working as Manager in Tamil Nadu Grama Bank, Dindigul, the petitioner, after the marriage, insisted upon the respondent to stay with her parents. Therefore, the problem started. Literally speaking, the respondent, who is working in Dindigul, cannot come to Coimbatore to live with the parents of the petitioner. But on a false allegation that the respondent is having an illegal affair with his friend, the petitioner has filed the H.M.O.P.No.26 of 2020 for dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act on the file of the II Additional Sub Court, Coimbatore. When the respondent is ready and willing to live with his wife, he has filed the petition for restitution of conjugal rights. If the petitioner accepts the restitution, the matter can be resolved with the consent of both parties.

5. It is at this stage, learned counsel appearing for the petitioner stated that the petitioner is not ready, since the problem has gone beyond hands. It was also stated by both parties that it is not known how long the Covid-19 pandemic situation would go.

6. If the pandemic situation persists, the Courts may have to continue the proceedings virtually through video conferencing. Therefore, I am of the view that while withdrawing the H.M.O.P.No.146 of 2019 filed for restitution of conjugal rights by the respondent from the file of the Family Court, Karur and transferring the same to the file of the II Additional Sub Court, Coimbatore to be tried along with H.M.O.P.No.26 of 2020, liberty is granted to the respondent to appear through video conferencing as and when the matter is taken up by the II Additional Sub Court, Coimbatore. Mr.N.Manokaran, learned counsel appearing for the respondent also submitted that he will engage a counsel at Coimbatore to facilitate the video conferencing facility for the benefit of the respondent. As video conferencing facilities have become useful to all the parties concerned, crowding the Court could be avoided, as a result social distancing can be easily followed by the litigants. Secondly, the party who has to come from long distance can make use of the video conferencing facility, as he need not undertake a long journey through public transport that would also avoid the spread of corona virus. For all these reasons, the transfer civil miscellaneous petition stands

allowed and the H.M.O.P.No.146 of 2019 is withdrawn from the file of the Family Court, Karur and transferred to the file of the II Additional Sub Court, Coimbatore to be tried jointly along with H.M.O.P.No.26 of 2020. The learned II Additional Subordinate Judge, Coimbatore is directed to try both the cases by allowing the respondent to participate through video conferencing and dispose of the matters on their own merit. Consequently, C.M.P.No.6074 of 2020 is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss  
To

1. The Family Court Judge  
Karur

2. The II Additional Subordinate Judge  
Coimbatore

+1 cc to M/s.l.Mouli, Advocate Sr.No. 29573

+1 cc to M/s.N.Manokaran , Advocate Sr.No. 29422

Tr.C.M.P.No.192 of 2020

SR(CO)  
RMP (14/10/2020)

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