

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.408 of 2020

Jayasree

.. Petitioner

Versus

P.Balakannan

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.52 of 2020 pending on the file of learned Sub-Court, Tiruchengode, and to transfer the same to the file of learned Principal Family Court, Coimbatore.

For Petitioner : Mr.L.Sharadhkumar

For Respondent : No Appearance

O R D E R

Heard the parties through Video Conferencing due to COVID-19 pandemic.

2. Mrs.Jayasree/petitioner herein, wife of Mr.P.Balakannan/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.52 of 2020 from the file of learned Sub-Court, Tiruchengode, to the file of learned Principal Family Court, Coimbatore. The above said HMOP was filed by the respondent/husband seeking for restitution of conjugal rights.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 16.05.2010 at Kalyana Subramaniya Swami Thirukkoyil, Kumaran Kundru, Vadavalli, as per Hindu Rites and Customs. During her stay period at matrimonial home, she was subjected to mental cruelty, because, the respondent/husband used to abuse the petitioner/wife verbally. After the marriage, the petitioner/wife was working as a Principal in a private school in Coimbatore. Out of the said wedlock, they were blessed two female children. But, even after the birth of children, the respondent/husband and his family members never

changed their attitude and they had even some time induced the wife to commit suicide. Therefore, finding not able to tolerate their attitude, she filed a criminal complaint against them before Kumarapalayam Police Station on 01.11.2019 in CSR No.234/2019. Subsequently, due to the difference of opinion, the petitioner/wife filed H.M.O.P.No.1081 of 2019 on the file of learned Principal Family Court, Coimbatore, seeking for divorce. Thereafter, as a counter blast, the respondent/husband has filed H.M.O.P.No.52 of 2020 on the file of learned Sub-Court, Tiruchengode, seeking for restitution of conjugal rights. It is further submitted that at present, the petitioner/wife is working as Principal in AVS Girls Matriculation School, Namakkal, and therefore, it is not possible for her undertake a long travel frequently along with her two female children to attend each and every hearing. On the contrary, if the case filed by the husband is transferred to the file of learned Principal Family Court, Coimbatore, the same can be clubbed with the case filed by the wife and be heard/disposed of together.

4. No representation for the respondent/husband.

5. Considering the fact that the case filed the wife in H.M.O.P.No.1081 of 2019 is pending before the learned Principal Family Court, Coimbatore, if the case filed by the husband is transferred to Coimbatore, it would be convenient for both parties to conduct both matters at one Court. Secondly, the petitioner/wife is living along with her two female children and therefore, if the case is transferred, it will be feasible to her to conduct the case at one place, that too, at this difficult time due to COVID-19 pandemic. Therefore, considering the balance of convenience in favour of wife, H.M.O.P.No.52 of 2020 filed by the husband is withdrawn from the file of learned Sub-Court, Tiruchengode, consequently, transferred to the file of learned Principal Family Court, Coimbatore, to be tried along with the case filed by the wife in H.M.O.P.No.1081 of 2019. On such transfer, learned Principal Family Court, Coimbatore, shall dispose of both the cases together in the manner known to law as expeditiously as possible. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP.No.7232 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To

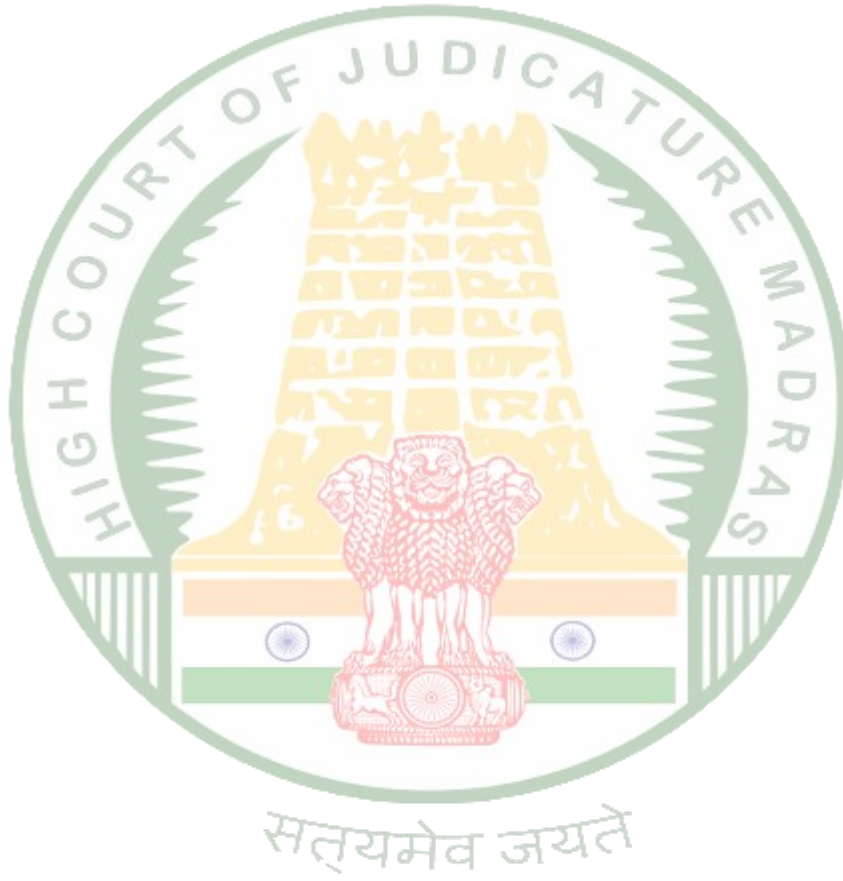
1.Sub-Court, Tiruchengode.

2.Principal Family Court, Coimbatore.

Tr.C.M.P.No.408 of 2020

CA (CO)

RMP (04/01/2021)



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