

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.413 of 2020

Saranya

W/o C.Neelakandan

..Petitioner/Respondent

-vs-

C.Neelakandan

..Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.21 of 2020 on the file of the learned Subordinate Court at Thiruvavur and consequently transfer the same to the file of the learned Family Court at Chennai.

For Petitioner :: Mr.D.Kumaralingam

For Respondent :: Mr.S.Praveen Kumar

ORDER

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

2. Mrs.N.Saranya, Wife of Mr.C.Neelakandan has come to this Court seeking to withdraw the H.M.O.P.No.21 of 2020 from the file of the Sub Court, Thiruvavur and transfer the same to the file of the Family Court at Chennai.

3. Mr.D.Kumaralingam, learned counsel appearing for the petitioner submitted that after the marriage between the parties was solemnized on 15.9.2016 at Shanthi Mahal, Thiruvavur in accordance with the Hindu rites and customs, the respondent took the petitioner to Bangalore and they were residing in a flat. However, they were not able to lead a happy matrimonial life, because the respondent did not show any interest in the marital life. It is also stated that the respondent treated the petitioner as a slave and also prevented her from making phone calls to her parents. The learned counsel also stated that the petitioner was subjected to mental and physical cruelty by the respondent and his parents. Thereafter, during August, 2019, the respondent joined in L & W Constructions Pvt. Ltd., at

Chennai and therefore, they shifted their residence to Flat 2, First Floor, Park Avenue Second Street, Seshadripuram, First Main Road, Velacherry, Chennai. Although the petitioner is medically fit for the matrimonial life, the respondent, suppressing his impotency, has filed the H.M.O.P.No.21 of 2020 before the Sub Court, Thiruvavarur seeking restitution of conjugal rights. Since the petitioner is working in Chennai, it will be difficult for her to undertake a long journey to the Sub Court, Thiruvavarur. Therefore, if the said matter is transferred to the Family Court at Chennai, no prejudice would be caused to the respondent.

4. Mr.S.Praveen Kumar, learned counsel appearing for the respondent submits that the respondent has been presently working as IT professional in M/s Increco India Private Limited, Bangalore. He also submitted that in view of the Covid-19 pandemic situation, the respondent is now working from home at Thiruvavarur. However, 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. Admittedly, Chennai is facing huge spike in the registration of Covid-19 pandemic cases day after day. As most of the restrictions imposed by the State Government have also been relaxed, there is fear among the people that the number of cases may still increase, because there will be crowd in the public transport vehicles while carrying the passengers from one place to another place. Therefore, to avoid such contacts which is the source of spread of covid-19 pandemic, this Court is of the view that while withdrawing the H.M.O.P.No.21 of 2020 from the file of the Sub Court, Thiruvavarur and transferring the same to the file of the Family Court at Chennai, as we are continuing the proceedings through video conferencing for even the complex matters and they are also easily disposed of, this matrimonial matter also can be heard and disposed of by the Family Court, Chennai by giving the benefit of video conferencing to the respondent, who is presently working as IT professional in M/s Increco India Private Limited, Bangalore and is now working from home at Thiruvavarur due to the covid-19 pandemic. Learned counsel appearing for the petitioner also stated that since the petitioner is residing in Chennai, she will appear in person before the Family Court, Chennai to contest the case. 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.

6. For all these reasons, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.21 of 2020 is withdrawn from the file of the Sub Court, Thiruvarur and transferred to the file of the Family Court at Chennai. The learned Family Court Judge, Chennai is directed to dispose of the matter on merits by permitting the respondent to participate through video conferencing, in view of the Covid-19 pandemic. Consequently, C.M.P.No.7794 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge
Thiruvarur
2. The Family Court Judge
Chennai

+1cc to Mr.D.Kumaralingam, Advocate in Sr.29292
+1cc to Mr.s.Praveen Kumar, Advocate in Sr.29383

Tr.C.M.P.No.413 of 2020

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