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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.428 of 2020

K.Parameswari .. Petitioner/Respondent

-vs-

K.Vidyasagar .. Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the H.M.O.P.No.377 of 2019 pending before the Hon'ble Family Court, Krishnagiri to the Hon'ble Family Court, Salem.

For Petitioner :: Mr.S.Sivakumar

For Respondent :: Mr.S.Thiruvengadam

ORDER

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

2. Mrs.K.Parameswari, the petitioner herein, after marrying Mr.K.Vidyasagar, the respondent herein on 27.4.2018 as per the Hindu rites and customs in the presence of relatives and well-wishers belonging to both families, lived together happily for sometime. The respondent is working as a Teacher in the Government Higher Secondary School, Koorampatty Village, whereas the petitioner is not working, although she is an engineering graduate. However, due to some misunderstanding, the respondent started making some wild allegations against the petitioner, which caused mental cruelty to her. Although the petitioner fulfilled her obligation as a dutiful wife, the respondent neglected the petitioner without providing any basic needs. Besides, the petitioner was not even allowed to visit and talk to her parents that also amounted to mental cruelty. Finally she came to her parental home. After sometime, it is pleaded, she received summons in the H.M.O.P.No.377 of 2019 from the Family Court, Krishnagiri seeking her reply as to why divorce should not be granted. As the distance from Kottagoundampatty

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village, Omalur Taluk, Salem to the Family Court, Krishnagiri is about 140 Kms., on one side, it will be highly difficult for the petitioner to undertake a long journey. Secondly, the petitioner also has filed M.C.No.2 of 2020 seeking monthly maintenance before the Additional Mahila Court, Salem and the said case is also pending. When the respondent has to appear before the Additional Mahila Court, Salem in connection with the above maintenance case, it is proper to withdraw and transfer the H.M.O.P.No.377 of 2019 filed by the respondent from the Family Court, Krishnagiri to the Family Court, Salem. Mr.S.Sivakumar, learned counsel appearing for the petitioner further pleaded that the case in M.C.No.2 of 2020 pending on the file of the Additional Mahila Court, Salem may be also transferred to the Family Court, Salem, so that both the matters can be conveniently disposed of by one Court that would also avoid multiplicity of proceedings.

3. Mr.S.Thiruvengadam, learned counsel appearing for the respondent, opposing the above prayer, refuting the allegation made against the respondent that there was a mental cruelty caused from his side, submitted that mental cruelty has been caused only from the petitioner's side. But he fairly stated that it is a matter to be gone into by the Court while hearing the H.M.O.P.No.377 of 2019. Secondly, he pleaded that in view of the grim Covid-19 pandemic situation that has led to the complete/partial lockdown not only nationally, but also globally, instead of transferring the matter from the Family Court, Krishnagiri to the Family Court, Salem, the petitioner may be permitted to appear through video conferencing that would serve the purpose, so that the petitioner also need not undertake a long journey of 140 Kms., on one side.

4. In reply, Mr.S.Sivakumar, learned counsel appearing for the petitioner submitted that since the M.C.No.2 of 2020 is pending before the Additional Mahila Court, Salem, instead of keeping the matters pending at both ends, the H.M.O.P.No.377 of 2019 can be withdrawn from the file of the Family Court, Krishnagiri and the M.C.No.2 of 2020 can be withdrawn from the file of the Additional Mahila Court, Salem and both the matters can be transferred to the Family Court, Salem for a joint trial that would benefit both the parties.

5. Having heard learned counsel for parties, this Court, accepting the request made by the learned counsel for the petitioner and also the convenience of the parties, hereby withdraw the H.M.O.P.No.377 of 2019 from the file of the Family Court, Krishnagiri and also the M.C.No.2 of 2020 from the file of the Additional Mahila Court, Salem and transfer both the

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matters to the file of the Family Court, Salem for a joint trial to avoid multiplicity of proceedings. Further, as rightly argued by Mr.S.Thiruvengadam, learned counsel appearing for the respondent, taking into account the present Covid-19 pandemic situation, the learned Family Court Judge, Salem shall permit the respondent to avail the video conferencing facility so that not only the crowding in the Court as well as in the public place can be avoided, but also the social distancing can be maintained to prevent the further spread of the corona virus. Needless to mention that learned counsel for the parties shall also file the list of witnesses to be examined, both in chief and cross, to enable the Court below to dispose of the matters on their own merit expeditiously. With this observation, the transfer civil miscellaneous petition stands allowed. Consequently, C.M.P.No.8849 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Family Court
Krishnagiri
2. The Additional Mahila Court
Salem
3. The Family Court Judge
Salem

Tr.C.M.P.No.428 of 2020

KJ(CO)
CB(03/11/2020)

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