

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.441 of 2020

S.Kavitha

.. Petitioner

Versus

N.Gopal

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer H.M.O.P.No.39 of 2020 on the file of learned Sub-Court, Tambaram, and transfer the same to the file of learned Sub-Court, Dharapuram.

For Petitioner : Mr.M.Vignesh

For Respondent : Mr.R.Esakki Raja

O R D E R

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

2. Mrs.S.Kavitha/petitioner herein, wife of Mr.N.Gopal/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.39 of 2020 from the file of learned Sub-Court, Tambaram, to the file of learned Sub-Court, Dharapuram. The above said HMOP was filed by the respondent/husband seeking for restitution of conjugal rights.

3. Learned counsel appearing for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 13.04.2014 at Trichy Sangeeth Mahala, as per Hindu Rites and Customs. Out of the said wedlock, they were blessed with a male child on 27.01.2015 and he is now aged about 5 years. Thereafter, due to some misunderstanding between them, she came to her parental home at Dharapuram on 19.10.2019 and since then, she has been

living with her parents. In the meanwhile, the respondent/husband has filed H.M.O.P.No.39 of 2020 on the file of learned Sub-Court, Tambaram, seeking for restitution of conjugal rights.

4. When the matter was taken up on 07.09.2020, learned counsel for the wife submitted that the wife is also ready for reunion and therefore, this directed the parties to appear before the Court through Video Conferencing on 14.09.2020 and accordingly, both of them appeared today virtually. The petitioner/wife stated that the respondent/husband has been demanding money to meet out educational expenses of his own son. She was further advised by her husband to go for job to augment family income. Although she is M.E. Graduate, after 6 years of marital life, it is difficult for her to secure a job. If he takes care of the petitioner/wife and his son for two months without any quarrel, she is prepared to go to the matrimonial home.

5. In reply, the respondent/husband, denying the allegation, stated that at no point of time, he has demanded money from his in-laws through the petitioner. Although she left the matrimonial home one year go, she never enquired about the health of husband, that shows that she never bothered about the matrimonial life. However, he is prepared to live with the petitioner/wife for the well being of child.

6. But, unfortunately, the petitioner/wife has insisted that the respondent/husband has to come and live with her at Dharapuram at least for two months and if the husband shows love and affection during such stay period, only then she would go to her matrimonial home. However, the respondent/husband stated that it is highly risk to go to her home, because, at one point of time, when he visited her home, there was a clash between him and his father-in-law, due to which, he suffered grievous injuries. Such incident has also been admitted by the petitioner/wife. Thus, the way in which the matter has been dealt with by the petitioner/wife and her family members clearly shows that it is not a fit case for transfer.

7. However, keeping in mind the rise in the number of COVID-19 cases in Chennai and social distancing norms, holding virtual Courts remains the need of the hour and therefore, as the petitioner/wife is residing at Dharapuram, which is 400 kms. away from Chennai, undertaking of such a long travel would lead into exposure to COVID-19, hence, the parties are permitted to appear before the learned Sub-Court, Tambaram, virtually. Accordingly, the parties are to directed to furnish a list of witnesses and on receipt of the same, learned Sub-Court, Tambaram, shall make an arrangement for Virtual Court Proceedings. With the above direction, this

Transfer Civil Miscellaneous Petition is dismissed.
Consequently, connected CMP.No.9437 of 2020 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

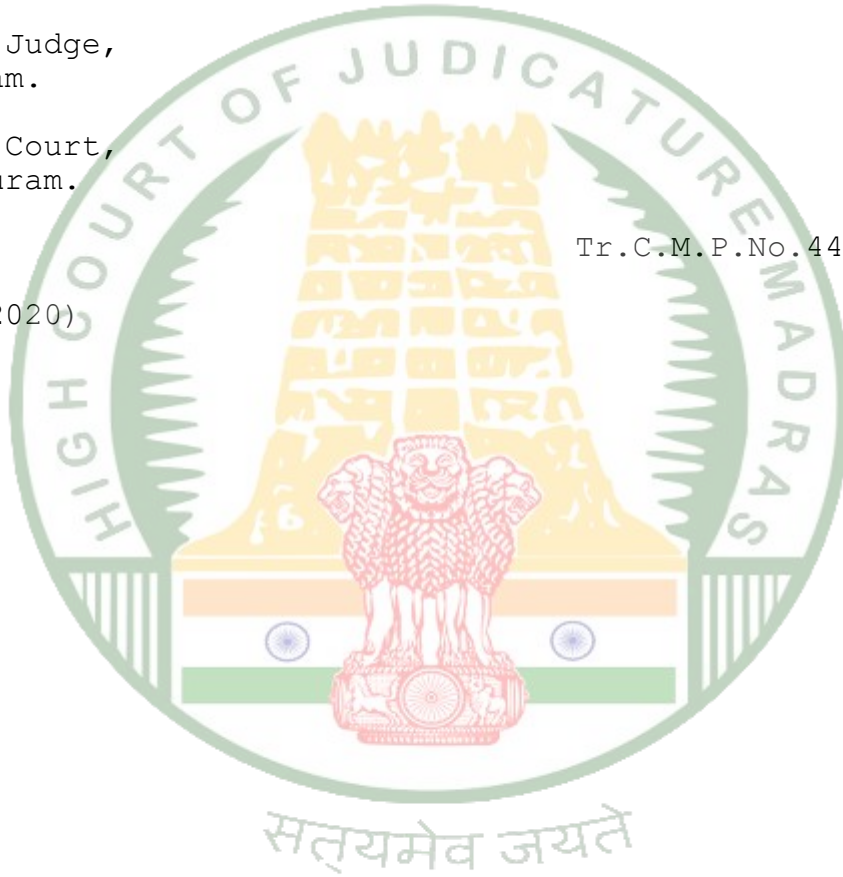
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To

- 1.The Sub Judge,
Tambaram.
- 2.The Sub Court,
Dharapuram.

SSI (CO)
CB(19/10/2020)

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