

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2020

CORAM

THE HONOURABLE MR.JUSTICE **T.RAJA**

Tr. C.M.P. No.478 of 2020
and C.M.P. No.11740 of 2020

Supriya

... Petitioner

-VS-

Deepan Chakravarthi

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the petition in F.C.O.P.No.145/2020 pending on the file of the Family Court, Namakkal and transfer the same to the file of the Family Court, Salem, to be tried in accordance with law.

For Petitioner : Mr.C.Conscious Ilango

For Respondent : Mr.M.Premkumar

ORDER

The Transfer C.M.P. has been filed seeking to withdraw the petition in F.C.O.P.No.145/2020 pending on the file of the Family Court, Namakkal and transfer the same to the file of the Family Court, Salem, to be tried in accordance with law.

2. Learned Counsel for the petitioner-wife submitted that the marriage between the petitioner and the respondent was solemnized on 19.06.2017 and thereafter, the petitioner wife was living with the respondent in her matrimonial home. However, even shortly after the marriage, due to the indifferent attitude shown by the respondent husband, he frequently used to harass and cause cruelty to the petitioner and the petitioner was also driven out of the matrimonial home, when she was pregnant. After the birth of the male child also, the respondent did not change his attitude towards the petitioner wife. However, on the advise of the family members and also considering the future of the child and also her future, she has become matured enough to accept the reunion process. But the respondent along with his mother came to the petitioner's mother house and abused her and her family with filthy language and also assaulted her father who tried to pacify them. In this regard, the father of the petitioner has given a complaint dated 04.02.2020 with the jurisdiction police in CSR.No.37/2019. Therefore, left with no option, the petitioner wife has filed DVOP.No.29/2020 before the learned Additional Mahila cum Judicial Magistrate, Salem, praying for a protection order and alimony and as an interim measure, the lower court has directed the respondent to pay a sum of Rs.4,000/- p.m. as an interim measure. Thereafter, the respondent husband has filed FCOP.No.145/2020

before the Family Court, Namakkal, seeking restitution of conjugal rights under Section 9 of the Hindu Marriages Act. Since the petitioner is already under economic crisis and struggling to eke out his livelihood and her male child, she finds it difficult to travel from Salem to Namakkal to attend the court hearings which is about 55 kms. Hence, she filed the present Transfer CMP seeking transfer of F.C.O.P.No.145/2020 pending on the file of the Family Court, Namakkal to the file of the Family Court, Salem.

3. At this stage, the learned Counsel for the respondent would submit that the matter may be referred to mediation attached to the High Court, Madras.

4. But this Court is not inclined to refer the matter to the Mediation Centre attached to this Court. The reason being that when the petitioner-wife is living in Salem, the respondent-husband is living in Namakkal and it also appears that the respondent is also running a hotel at Namakkal. Therefore, Chennai would be a long distance for both of us. However, considering the fact that as the petitioner is living in Salem and she has also filed a DVOP.No.29/2020 before the learned Additional Mahila cum Judicial Magistrate, Salem, seeking a protection order and alimony and for other consequential orders and

the respondent has filed F.C.O.P.No.145/2020 before the Family Court, Namakkal seeking restitution of conjugal rights, this Court is of the view that in any event, the respondent has to go to Salem to attend the proceedings in DVOP.No.29/2020 before the learned Additional Mahila cum Judicial Magistrate, Salem. Hence this Court, while transferring F.C.O.P.No.145/2020 pending before the Family Court, Namakkal to the Family Court, Salem, also directs both the parties to appear before the Mediation and Conciliation Centre attached to the District Court, Salem, so that the parties can work out their reunion.

5. With the above observation and direction, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

04.12.2020

Index : Yes/No
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To

WEB COPY

1. The Family Court Judge, Namakkal.
2. The Family Court Judge, Salem.

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T.RAJA,J.

Tsi



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