

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.28 of 2018
and C.M.P. No.738 of 2018

S.Deepa

... Petitioner

-vs-

J.Karthikeyan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw HMOP.No.64 of 2017 on the file of the learned Family Court Judge at Puducherry and to transfer the same to the file of the learned Subordinate Judge, Mettur.

For Petitioner : Ms.Saraswathi Muthiah

For Respondent : Mr.R.Dillikumar

O R D E R

The Transfer C.M.P. has been filed seeking to withdraw HMOP.No.64 of 2017 on the file of the learned Family Court Judge at Puducherry and to transfer the same to the file of the learned Subordinate Judge, Mettur.

2.Learned counsel appearing for the petitioner-wife would submit that the respondent husband has filed HMOP.No.64/2017 second time reviving his desire for dissolution of the marriage solemnized on 26.08.2009 as per the Hindu rites and customs at Palayalayam Sakthi Mahal, Erode. On an earlier occasion, the petitioner wife has given a complaint before the All Women Police Station Mettur which was taken cognizance by the learned Judicial Magistrate No.II, Mettur Dam in CC.No.199/11 for the offences under Sections 498-A and 506(ii) of IPC. When the said case was pending, the respondent husband has filed HMOP.No.100/2011 before the Sub-Court, Mettur, on the ground of cruelty that was subsequently withdrawn on the basis of the compromise reached between the parties by order dated 12.07.2011. Subsequently, by judgment dated 23.11.2011, the respondent husband was also acquitted by the Criminal Court in

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C.C.No.199/2011. After some time, he went back to Singapore. Again, he has filed the present HMOP.No.64/2011 on the file of the Family Court, Puducherry. The learned Counsel for the petitioner wife would further submit that the respondent has been changing the venue of suing against the petitioner one after another for his convenience. Therefore, the 2nd HMOP.No.64/2017 seeking dissolution of the marriage to be withdrawn from the file of the Family Court Judge at Puducherry and the same has to be transferred to the file of the learned Subordinate Judge, Mettur by allowing the present Transfer CMP., it is pleaded.

3. Heard the learned Counsel for the respondent.

4. Considering the facts and circumstances of the case and also the fact that earlier HMOP seeking dissolution of marriage by the respondent husband was filed before the learned Subordinate Judge, Mettur which was subsequently withdrawn, I am inclined to withdraw HMOP.No.64 of 2017 on the file of the learned Family Court Judge at Puducherry and to transfer the same to the file of the learned Subordinate Judge, Mettur.

5. At this stage, the learned Counsel for the respondent-husband states that the respondent has been working in Singapore as Process Engineering Technician and in view of Covid-19 pandemic situation, since no International flights are available due to the lock down announced by the State and Central Governments, he may be given the benefit of participating in the court proceedings before the Sub-Court, Mettur through virtual hearing/video conferencing.

6. At this stage, the learned Counsel for the petitioner also equally pleaded that since the petitioner-wife is also a diabetic patient, it will be more risk for her to get exposed to the Corona Virus, if she visits the public place like court. Therefore, she may also be given the benefit of appearing through Video Conferencing.

7. In view of all the above, the HMOP.No.64 of 2017 on the file of the learned Family Court Judge, Puducherry is withdrawn and the same is transferred to the file of the learned Subordinate Judge, Mettur. Further, as requested by the learned Counsel for the respondent as well as the petitioner, this Court hereby directs the learned Subordinate Judge, Mettur to hear and dispose of the case expeditiously by providing video conferencing facility to both the parties. The respondent is also hereby directed to give the list of witnesses to the said Court within two weeks time from today, who on receipt of the same shall dispose of the matter on merits and in accordance with law.

8. With the above directions, the Transfer CMP is allowed. Consequently, connected CMP is closed.

Sd/-
Assistant Registrar (CS-VIII)

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Sub Assistant Registrar

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To

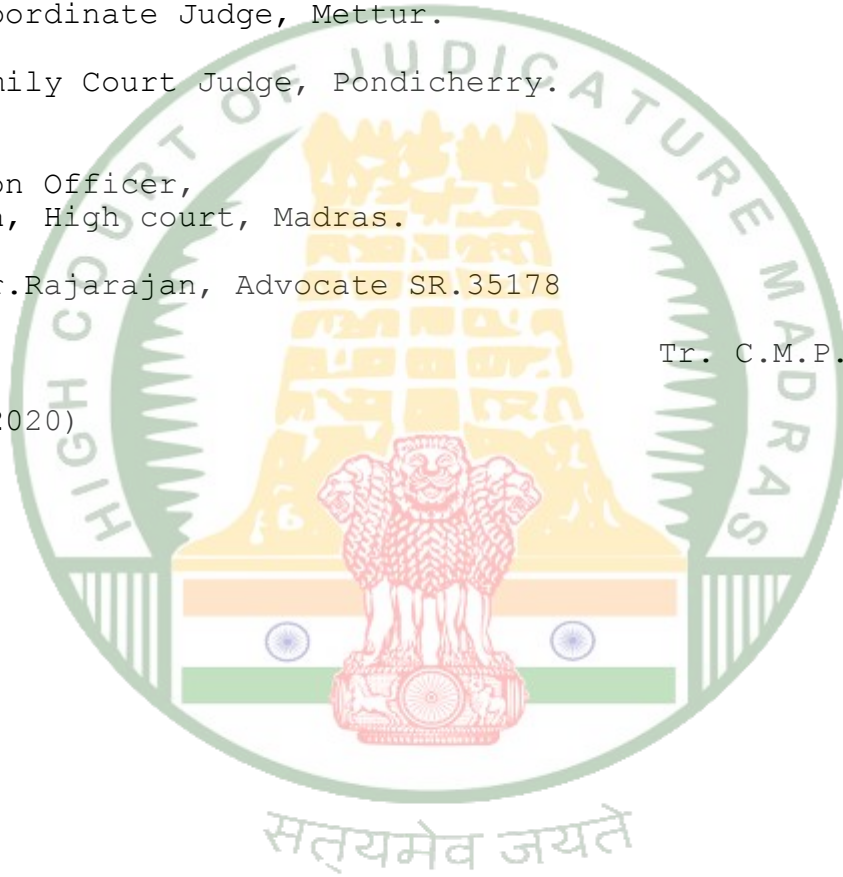
1. The Subordinate Judge, Mettur.
2. The Family Court Judge, Pondicherry.

Copy to:
The Section Officer,
VR Section, High court, Madras.

+1cc to Mr.Rajarajan, Advocate SR.35178

Tr. C.M.P. No.28/2018

MG(CO)
CB(07/12/2020)



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