

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.562 of 2019 and
C.M.P. No.15884 of 2019

H.Sindhuja

...Petitioner

vs.

M.T.Murali

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in O.P.No.29 of 2019 on the file of Sub-Court, Coonoor at Nilgiris and transfer the same to Family Court, Coimbatore.

For Petitioners : Mr.K.Vasanthanayagan

For Respondent : Mr.S.Makesh

ORDER

Wife has come forward with the present petition, to transfer the proceedings in O.P. No.29 of 2019 from Sub-Court, Coonoor at Nilgiris, to the Family Court, Coimbatore.

2. The petitioner herein/wife is having suspicion that the respondent herein/husband is having extramarital relationship, which has been refuted by the husband and that he has submitted that he has no such relationship at all. This court, does not want to delve into those averments and counter averments of the parties in the Transfer Civil Miscellaneous Petition and the issue is to be decided by the appropriate forum and that the present case is with regard to restitution of conjugal rights, this court also tried an attempt by calling the parties to appear, resolve the differences between them so that they can live together in the interest of the girl child, born out of the wedlock and for the reasons best known to the petitioner, she refused to go with husband.

3. The respondent herein/husband, who has employed at Pune, came to Bangalore and thereafter, to Chennai, by resigning jobs at two other places mentioned supra, at the instance of the wife, as she was not willing to go to Pune or to Bangalore. In fact, the petitioner herein/wife has made the husband to skip the job from more than one place.

4. Mutual trust and confidence are the main criteria for bondage in the matrimonial life and suspicion is very poisonous to any relationship, much less, the matrimonial relationship. Though this court could have rejected the

relief, but taking note of the interest of the girl child and that the wife is willing to allow the child to spend time with the father, namely the respondent herein, on the date of hearing and also on other dates, and permit the child to be taken out, as there are more trains plying from Chennai to Coimbatore and that the husband is going to travel in any way up to Coonoor, if the matter is not transferred, this court is inclined to transfer the matter, to Family Court, Coimbatore.

5. Taking note of the submissions made by both the parties, O.P. No.29 of 2019 pending on the file of the Subordinate Court at Coonoor, Nilgiris is withdrawn and transferred to the file of the Family Court, Coimbatore. The learned Judge of the Family Court, is expected to post the matter for hearing, on a working Saturday of the month, to enable the petitioner herein/wife, to bring the child so that the father/respondent herein, could spend time with his daughter, at least not less than four hours during that day. The learned Judge of the Family Court, Coimbatore, is expected to conclude the trial, as expeditiously as possible, without adjourning the matter beyond 30 working days, at any point of time, in order to bring the issue to a logical end, preferably within a period of six months from the date of receipt of papers from Subordinate Court at Coonoor, Nilgiris.

6. As the parties are represented by the lawyers before the Sub Court, Coonoor at Nilgiris, naturally parties' appearance will be insisted in the Family Court, learned counsel for the petitioner submitted that the wife has no objection for the husband being represented by the lawyer and it is open to the husband/respondent herein, to be present on the important dates for tendering evidence and if required, during the evidence that may be tendered by the petitioner herein/wife or any other person.

7. The Transfer Civil Miscellaneous Petition is allowed, with the above directions. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (C.S.VIII)

/True Copy/

Sub Assistant Registrar

To :

1.The Judge, Family Court, Coimbatore

2.The Subordinate Judge, Coonoor, Nilgiris

+1 cc to M/s.K.Vasanthanarayanan, Advocate Sr.No. 7576

+1 cc to Mr.K.Magesh, Advocate Sr.No.6915

AKM/18.03.2020/1P- 5C / Tr.C.M.P.No.562 of 2019 and

C.M.P. No.15884 of 2019