

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.647 of 2019

Pravina

.. Petitioner

Versus

A.Handric Stalin

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw I.D.O.P.No.2515 of 2019 pending on the file of learned VI Additional Family Court, Chennai, and to transfer the same to the file of learned District Court, Thiruvavarur, to be tried along with I.D.O.P.No.16 of 2019.

For Petitioner : Mr.K.M.Subramanian
For Respondent : Mr.N.P.Kumar

O R D E R

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

2. The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer I.D.O.P.No.2515 of 2019 from the file of learned VI Additional Family Court, Chennai, to the file of learned District Court, Thiruvavarur, where the case filed by the wife in I.D.O.P.No.16 of 2019 seeking for restitution of conjugal rights is pending. The above said I.D.O.P.No.2515 of 2019 was filed by the respondent/husband seeking for divorce.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 19.05.2016 at Vineetra Andavar Church, Aminjikarai, Chennai, as per Christian Rites and Customs in the presence of well-wishers of both family. Out of the said wedlock, a female child was born to them. After some time, it is stated, husband and his parents used to harass her with intention to fetch more dowry and caused cruelty. Therefore,

the petitioner/wife was forced to leave out of matrimonial home and she is now staying with her parents. Since the respondent/husband neglected the petitioner/wife and her child, she has filed M.C.No.5 of 2019 on the file of Judicial Magistrate, Thiruturaiipoondi, seeking for maintenance. Again, she has also filed a case under the Domestic Violence Act against her husband and his parents and the same is also pending in D.V.C.No.5 of 2019 before the same learned Judicial Magistrate Court, Thiruturaiipoondi. Further, she has filed I.D.O.P.No.16 of 2019 on the file of learned District Court, Thiruvarur, seeking for restitution of conjugal rights, and the same is also pending. Subsequent to the filing of above three cases, as a counter blast, the respondent/husband has filed I.D.O.P.No.2515 of 2019 before the learned VI Additional Family Court, Chennai, seeking for divorce. It is further submitted that since the petitioner/wife is having 2 years old female child with her custody, it is not feasible for her to undertake long journey from Thiruturaiipoondi to Chennai, which is more than 400 kms., to attend each and every hearing. Therefore, if the case filed by the husband is transferred to Thiruvarur, the same can be clubbed with the case filed by the wife in I.D.O.P.No.16 of 2019 for joint trial.

4. Learned counsel for the petitioner/wife further submitted that during the last occasion, this Court appointed one Senior Counsel as Mediator to compromise the parties amicably, but, due to COVID-19 pandemic, mediation was not held and it is not known when the present situation will be eased out and thus, the case filed by the husband may be transferred to Thiruvarur for settling the issue amicably if the other side comes forward.

5. Learned counsel for the respondent/husband also fairly submitted since three matters, namely, M.C.No.5 of 2019, D.V.C.No.5 of 2019 and I.D.O.P.No.16 of 2019, filed by the wife are pending at Thiruvarur District, the case filed by the husband in I.D.O.P.No.2515 of 2019 pending before the learned VI Additional Family Court, Chennai, may be transferred to the file of learned District Court, Thiruvarur. He further submitted that two cases, namely, M.C.No.5 of 2019 and D.V.C.No.5 of 2019, pending before the learned Judicial Magistrate Court, Thiruthuraiipoondi, also may be transferred to the learned District Court, Thiruvarur, for disposal of all the four cases at one place.

6. Taking note of consent given by both parties, I.D.O.P.No.2515 of 2019 filed by the husband is withdrawn from the file of learned VI Additional Family Court, Chennai, and transferred to the file of learned District Court, Thiruvarur. Further, as two cases filed by the petitioner/wife, namely, M.C.No.5 of 2019 and D.V.C.No.5 of 2019, are pending before the

learned Judicial Magistrate Court, Thiruturaiipoondi, by virtue of Section 26 of the Protection of Women from Domestic Violence Act, 2005, those two cases also are withdrawn from the file of learned Judicial Magistrate Court, Thiruturaiipoondi, and transferred to the file of learned District Court, Thiruvarur. On transfer of all these cases, learned District Court, Thiruvarur, shall dispose of all the four cases in the manner known to law as expeditiously as possible. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP.No.18651 of 2019 is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rkm

To

1. VI Additional Family Court, Chennai.
2. Judicial Magistrate Court, Thiruturaiipoondi.
3. District Court, Thiruvarur.

Tr.C.M.P.No.647 of 2019

KS (CO)

SP(25/08/2020)

सत्यमेव जयते

WEB COPY