

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Tr.C.M.P.No.900 of 2019

Surya

... Petitioner

vs.

M.R.Ravichandran

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.52 of 2019 pending on the file of the Principal Sub Court, Chengelpet, to the file of the Family Court at Karur.

For Petitioner : Mr.K.Venkatesan

For Respondent : Ms.Rohini Ravikumar

O R D E R

Petitioner/wife has come up with this Transfer Civil Miscellaneous Petition seeking to transfer the proceedings in H.M.O.P.No.52 of 2019 pending on the file of the Principal Sub Court, Chengelpet, to the file of the Family Court at Karur.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. As there was no representation for the Petitioner on 06.12.2019, this Court directed the Registry to list the matter 'for dismissal' on 09.12.2019. On 09.12.2019, this Court referred the matter for mediation to Mr.Venkatesh Mahadevan, learned counsel, and further observed as under:

"7. It is made clear that the mediation shall take place at this place convenient to the mediator and that, the Petitioner's father shall not attend the Mediation, and he shall not, in any manner, hinder the mediation process. The Petitioner's father shall understand that the Petitioner is having turmoil only on account of misunderstanding in her family."

4. Today, when the matter is taken up for hearing, Mr.Venkatesh Mahadevan, learned counsel, who mediated between the

parties, produced his Report stating that, the mediation between the parties failed. He drew the attention of this Court to relevant paragraphs of the Mediation Report, which are extracted below:

"16. I submit that the first hearing for the above said HMOP came up on 21.08.2019. After the Respondent attended the hearing at the Principal Sub Court at Chengelpet, and went back to his office, he had received a Whatsapp Message on 21.08.2019 at 1.52 p.m. From Dr.Vemburamasamy @ Traffic Ramasamy.

17. I submit that the Respondent had provided the photoshot of the said Whatsapp message to me, during the mediation and it reads as follows:

"Mr.Ravichandran, I traffic Dr.Vembu Ramasamy please answer and avoid further steps for your illegal activities and torturing your wife after giving two issues. Sorry Traffic Dr.Vemburam."

22. I submit that the Respondent had also stated that it was intention of the Petitioner's father to cause harm to the life and limb of the Respondent and that, if the Divocre case is transferred to Karur as sought for in the Transfer CMP, the Respondent being a physically challenged person, would not be able to defend himself by even running away from the persons attacking him, since the Petitioner's father has been accused in a murder case and the Petitioner's father also has strong connections with political persons and anti-social elements."

5. On going through the Mediation Report, it is seen that the Petitioner's father had insisted that, he has to be heard in the Mediation. Though, the Respondent/husband had attended the Mediation meetings on all dates, the Petitioner/wife had attended the Mediation meeting only once. Mediation in matrimonial cases is only between the husband and wife and not with their family members.

6. It is seen that, the marriage between the parties took place at Erode. The Respondent/husband is a physically challenged person and he fears threat at the hands of the Petitioner's father, if the Divorce proceedings in H.M.O.P.No.52 of 2019 pending before the Principal Sub Court at Chengalpet, are transferred to the file of the Family Court at Karur.

7. Taking note of the Mediation Report and in view of the foregoing, this Court is not inclined to grant the relief sought by the Petitioner. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected C.M.P.No.24584 of 2019 is closed.

Sd/-
Assistant Registrar (Writs)

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Sub Assistant Registrar

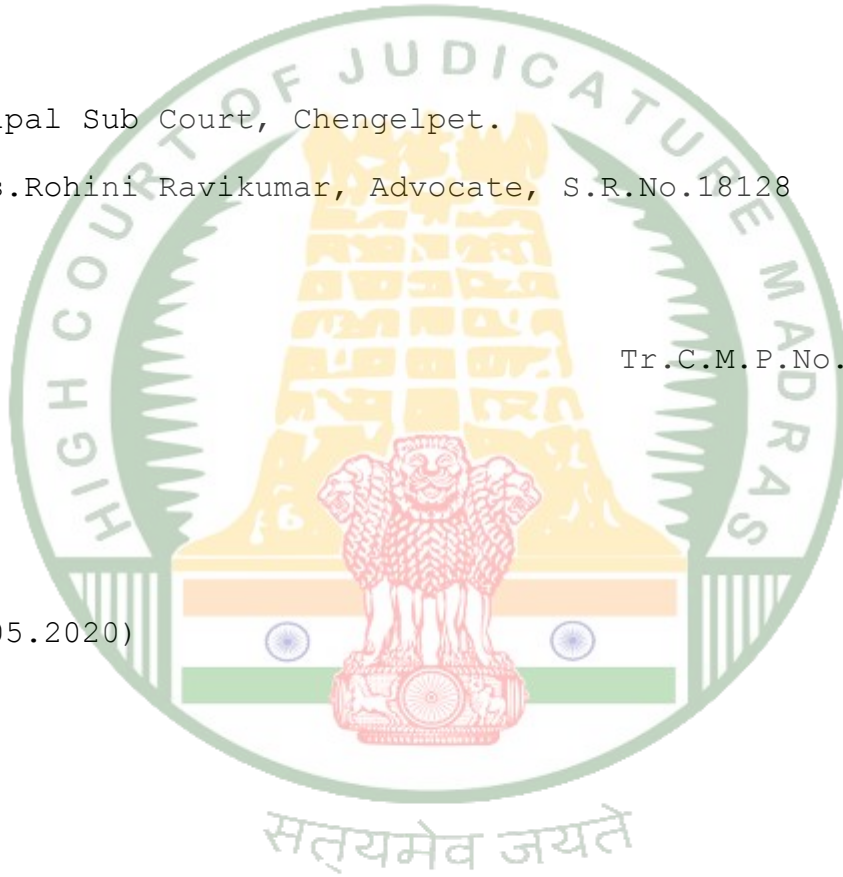
(aeb)

To
The Principal Sub Court, Chengelpet.

+1cc to Ms.Rohini Ravikumar, Advocate, S.R.No.18128

Tr.C.M.P.No.900 of 2019

RSK (CO)
VSI-2(28.05.2020)



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