

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.804 of 2019
and
C.M.P.No.22438/19

A.Sujitha

...Petitioner

vs.

S.Kumaresan

...Respondent

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.99 of 2018 pending on the file of the Principal Sub Court, Karur and transfer the same to the file of Sub Court, Dharmapuri.

For Petitioner : Mr.R.Sundarapandiyan

For Respondent : Mr.C.Elamurugan

O R D E R

Respondent/husband has filed a Petition in H.M.O.P.No.99 of 2018, seeking restitution of conjugal rights. Petitioner/wife has come up with this Petition seeking transfer of H.M.O.P.No.99 of 2018 from the file of the Principal Sub Court, Karur to the file of the Sub Court, Dharmapuri, on the ground that, she finds it difficult to travel all the way from Dharmapuri to attend the Court proceedings at Karur.

2. This Court, at the request of the learned counsel for the parties, referred the matter for mediation to Mr.L.V.Rohith, learned counsel, who, has submitted a Report stating that, the mediation could not commence, as the Respondent/husband did not appear, even though the Petitioner/wife was present.

3. Admittedly, this matter was referred for mediation only at the request of the parties. The purpose of referring a matter to mediation is that, the Mediator will spend sufficient time to listen to the grievances of the parties and help them resolve their differences by giving counseling, so that a settlement could be arrived at between them. If the parties are unable to be present before the Mediator, it is

the duty cast upon them to inform the Court, and they cannot, in the guise of Mediation, gain time. Such act, certainly amounts to disrespect to the Court.

4. Coming to the facts of the case, it is seen that the marriage between the parties took place on 05.03.2012 at Karur and through the wedlock, a male child is born to them. Parties have last resided together in Karur. As of now, the Respondent/husband is working abroad and the Petitioner/wife is staying with her widowed mother at Dharmapuri, along with her child. Asking the Petitioner/wife to travel a long way to Karur to contest the matter may not be advisable, though, this Court has got powers to transfer a case to any Court, invoking Section 24 C.P.C.

5. As the parties are represented by Lawyers before the Court below and that their presence before the Court below is required only at the time of tendering evidence and during cross-examination of the witnesses on the other side, no prejudice would be caused to the Respondent/husband, if the Petitioner's request is ordered. Hence, this Court, without any hesitation, orders transfer of the proceedings in H.M.O.P.No.99 of 2018 pending on the file of the Principal Sub Court, Karur to the file of the Sub Court, Dharmapuri.

6. The Sub Court, Dharmapuri, is expected to conclude the trial in H.M.O.P.No.99 of 2018, as expeditiously as possible, without adjourning the matter beyond 30 working days at any point of time, to bring the issue to a logical end.

7. While parting with, this Court appreciates the assistance rendered by Mr.L.V.Rohith, learned counsel, in the case on hand.

8. The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. Consequently, connected C.M.P.No.22438 of 2019 is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

(aeb)

To :

1.The Principal Sub Court,
Karur.

2.The Sub Court,
Dharmapuri.

+1cc to Mr.R.Sundarapandiyan, Advocate SR.9778
+1cc to Mr.C.Elamurugan, Advocate SR.9939

Transfer C.M.P.No.804 of 2019

PVS (CO)
CB (04/03/2020)



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