

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.866 of 2019

B.Anuradha

..Petitioner/Respondent

-vs-

N.Saravanan

..Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the F.C.O.P.No.2103 of 2019 on the file of the VI Additional Family Court, Chennai and transfer the same to the file of the Principal Sub Court, Thanjavur.

For Petitioner :: Mrs.A.Rajeswari Karthikeyan

For Respondent :: Mr.S.Saravana Kumar

ORDER

Heard learned counsel for the parties through video conferencing due to the Covid-19 pandemic.

2. Mrs.B.Anuradha, Wife of Mr.N.Saravanan has filed this transfer civil miscellaneous petition seeking to withdraw the F.C.O.P.No.2103 of 2019 from the file of the VI Additional Family Court, Chennai and transfer the same to the file of the Principal Sub Court, Thanjavur.

3. Mrs.A.Rajeswari Karthikeyan, learned counsel appearing for the petitioner pleaded that both the petitioner and the respondent got separated from the first marriage with the children. The petitioner was working in Singapore and the respondent was working in Chennai at the time of marriage and knowing pretty well that they got married and blessed with the children from the first marriage, had the second marriage solemnized on 30.11.2017. Since the respondent asked the petitioner to leave the job and come back to Chennai to live together, accepting the same, the petitioner leaving the job at Singapore, came down to Chennai. But thereafter, misunderstanding arose between them. Therefore, the petitioner went back to her parental home at Thanjavur and filed the H.M.O.P.No.328 of 2019 on the file of the Family Court, Thanjavur seeking restitution of conjugal rights under Section 9

of the Hindu Marriage Act. She has also filed the M.C.No.5 of 2020 on the file of the Family Court, Thanjavur seeking maintenance. Therefore, the respondent, who is working in Chennai, has to come and appear in these two cases at Thanjavur. Hence, if the F.C.O.P.No.2103 of 2019 pending on the file of the VI Additional Family Court, Chennai is also transferred, it will be convenient to the parties to agitate the cases before one Court to sort out the issues. Secondly, the Covid-19 pandemic situation in Chennai is also alarming. Therefore, it is better to avoid visiting Chennai by both the parties. On the other hand, in Thanjavur, the registration of Covid-19 corona pandemic cases is less, which is also safer for both the parties.

4. Learned counsel appearing for the respondent, opposing the above prayer, filing a counter affidavit, has stated that the petitioner is not residing in Thanjavur as pleaded by the learned counsel appearing for the petitioner and is residing in Singapore. But the learned counsel for the petitioner, disputing the same, stated that the petitioner is residing only in Thanjavur along with her parents. Continuing his arguments, learned counsel appearing for the respondent stated that of late, the respondent came to know that there were some problems with the ex-husband of the petitioner by filing false criminal cases against him. The respondent is also facing domestic violence cases registered on 11.7.2019 before the Protection Officer of Chennai and the petitioner has also given a complaint before the Inspector of Police, All Women Police Station, Ayanavaram alleging that the respondent has demanded dowry from the petitioner. During the enquiry, the respondent's mother was also assaulted. Therefore, the respondent has given a complaint before the Protection Officer against the atrocities committed by the petitioner. That also shows how the petitioner is so unreasonable misusing the provisions of law on false grounds. Hence, if the matter is transferred to Thanjavur from Chennai, the respondent would be facing more risk, as the petitioner belongs to Thanjavur. He has also asked for usage of video conferencing facility so that the petitioner and the respondent need not unnecessarily undertake the visit to the Family Court at Thanjavur.

5. I also accept the fact that in view of the Covid-19 pandemic cases increasing day after day in Chennai, the parties can very well make use of the video conferencing facility. Resultantly, the respondent who is residing in Chennai need not undertake a long journey from Chennai to Thanjavur. Similarly, the Court also will not get crowded and social distancing will also be maintained that would also avoid further spread of the corona virus in Thanjavur. Secondly, when virtual Court proceedings are taking place all over the country from the Judicial Magistrate Court till the High Court and also the Apex

Court, the Family Court, Thanjavur is directed to provide the benefit of VC to the parties, accordingly, the transfer civil miscellaneous petition stands disposed of and the F.C.O.P.No.2103 of 2019 is withdrawn from the file of the VI Additional Family Court, Chennai and transferred to the file of the Family Court, Thanjavur. The learned Family Court Judge, Thanjavur is directed to take up the F.C.O.P.No.2103 of 2019 along with H.M.O.P.No.328 of 2019 and M.C.No.5 of 2020 and give a common disposal on merit, by permitting the parties to make use of the video conferencing facility. Needless to mention that both the parties are directed to file the list of witnesses before the Family Court, Thanjavur within two weeks from the date of receipt of a copy of this order. On receipt of the same, examination of witnesses can commence and arguments can also be heard from the respective counsel through video conferencing by the Court below. Consequently, C.M.P.No.23826 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The VI Additional Family Court Judge
Chennai
2. The Family Court Judge
Thanjavur

+1 cc to Mrs.Rajeswari Karthikeyan, Advocate Sr.No. 29551

सत्यमेव जयते

Tr.C.M.P.No.866 of 2019

ca(co)
rv(25/9/2020)

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