

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.821 of 2019

Mrs.K.P.Reshma

.. Petitioner

Versus

Mr.Merlin Vinu

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw the proceedings pending in I.D.O.P.No.2289 of 2019 from the file of learned III Additional Judge, Family Court, Chennai, and to transfer the same to the file of learned Principal District and Sessions Judge at Nagercoil, Kanniyakumari District.

For Petitioner : Ms.Chellammal
for Mr.M.Francis Xavier

For Respondent : Mr.J.William Shakesphere

ORDER

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

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2. Mrs.K.P.Reshma/petitioner herein, husband of Mr.Merlin Vinu/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer I.D.O.P.No.2289 of 2019 pending on the file of learned III Additional Judge, Family Court, Chennai, to the file of learned Principal District Court and Sessions Judge at Nagercoil,

Kanniyakumari District. The above said IDOP was filed by the respondent/husband seeking for dissolution of marriage.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 20.01.2016 at Sacred Heart Church, Padanthalumoodu, Kanniyakumari District, as per the Christian Rites and Ceremonies. Out of the said wedlock, they were blessed a female child on 03.02.2017 by name Audrina and she is now aged about 3 years. The petitioner/wife is working as a Teacher in Kanniyakumari and the respondent/husband is working as a Software Engineer in Chennai. However, due to difference of opinion between them, the respondent/husband has filed I.D.O.P.No.2289 of 2019 before the learned III Additional Judge, Family Court, Chennai, seeking for dissolution of marriage, and the same is pending. During the pendency of IDOP, the parties have also initiated the process for mediation and still, it is going on. It is further submitted that as the petitioner/wife is residing at Kanniyakumari along with her 3 years old child, it will be difficult for her to undertake a long journey from Kanniyakumari to Chennai, which is more than 700 kms., to attend each and every hearing.

4. At this stage, learned counsel for the respondent/husband submitted that if the matter is transferred to Nagercoil, this would cause further stumbling block to the mediation process as it is not yet over due to COVID-19 pandemic.

5. However, considering the fact that the petitioner/wife is residing at Kanniyakumari along with her 3 years old female child, I am of the view that it would be difficult for her to undertake such a long journey from Kanniyakumari to Chennai, which is more than 700 kms., to attend each and every hearing. But, since the mediation process has already been initiated before the Mediation Centre at Chennai, this Court, while transferring the case to the file of learned Principal District and Sessions Judge at Nagercoil, Kanniyakumari District, directs both parties to appear before the Mediation Centre at Chennai. Learned counsel for the respondent/husband submitted that the respondent/husband will bear the travelling expenses of the petitioner/wife and the female child for their appearance before the Mediation Centre. The said submission of the respondent/husband is recorded.

6. In view of the above, the Transfer Civil Miscellaneous Petition stands allowed with the following directions:

(i) I.D.O.P.No.2289 of 2019 filed by the respondent/husband is withdrawn from the file of learned III Additional Judge, Family Court, Chennai, and consequently, transferred to the file of learned Principal District and Sessions Judge at Nagercoil, Knniyakumari District.

(ii) The petitioner/wife and the respondent/husband are directed to appear before the Mediation Centre at Chennai to sort out the issue amicably. The petitioner/wife is also

permitted to carry her child, so that the child may play a vital role for reunion of the husband and wife.

(iii) The respondent/husband shall pay the travelling expenses of his wife and child for their each and every appearance before the Mediation Centre. For onward journey, he shall pay flight charges and for the return journey, he shall pay the train fare for travelling in First Class AC.

(iv) If the mediation fails, on transfer of IDOP, learned Principal District and Sessions Judge at Nagercoil, Kanniyakumari District, shall dispose of the same in the manner known to law as expeditiously as possible.

Connected CMP.No.22745 of 2019 is closed.

04.12.2020

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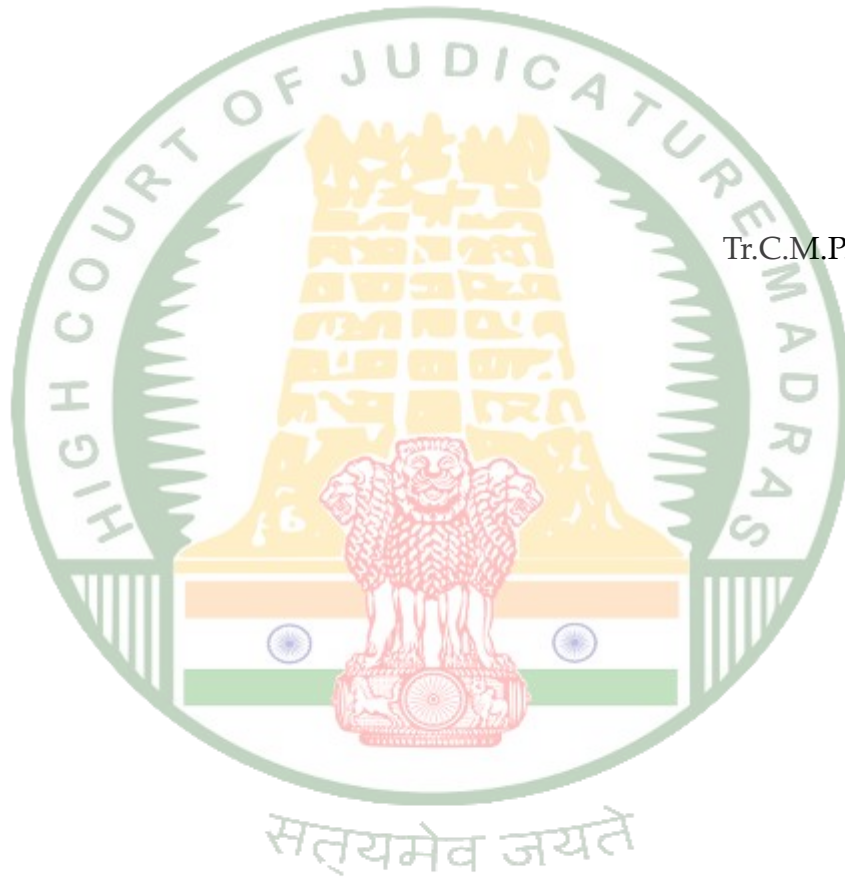
To

1.III Additional Judge, Family Court, Chennai.

2.Principal District Court and Sessions Judge at Nagercoil, Kanniyakumari Dist.

T.RAJA, J.

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