

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2021

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.51 of 2021 and

C.M.P.No.2020 of 2021

A.Sivaranjani

...Petitioner

Vs.

M.Karthick

...Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.2716 of 2020, before the Principal Judge, Family Court, Chennai and transfer the same to Sub-Court at Tambaram.

For Petitioner : Mr.A.Raghuraman

For Respondent : Mr.T.Sudhan Raj

JUDGMENT

This transfer petition is filed to transfer the H.M.O.P.No.2716 of 2020, pending before the Principal Judge, Family Court at Chennai to Sub Court, Tambaram.

2. The marriage between the petitioner and the respondent was solemnized on 02.03.2015 as per Hindu Rites and Customs. The petitioner and the respondent are blessed with a male child, now aged about 4 1/2 years. On account of difference of opinion, the petitioner and the respondent are living separately for some time and on perusal of the allegation, this Court found that they are flimsy allegations and there is a possibility of reunion and such petty issues arose on account of emotional outbreak or on account of angry.

3. The parties are directed to be present before this Court as the interest of the child is also to be protected. Both the petitioner and the respondent are present before this Court. The respondent is also seems to be a good person, expressed his responsibilities towards the family as well as his duty towards the society at large. The petitioner also is maintaining the child and she is very much willing to resume the matrimonial home. The petitioner even before this Court, has admitted that she has committed certain activities due to sudden provocation and she assured that she will not repeat such mistake again and she will continue to live peacefully with the respondent. The petitioner wife even asked apology for certain wrongs if at all committed. So also the respondent realized certain provocations if at all made at his side.

4. Constitution of the family and peaceful living is far more important in civilized society. The cultural valuation of our great nation is being maintained due to the peaceful living of the families and only the good families can give better protection and better life to the young children and such happy families alone can constitute a better society and a better society alone can lead to development in our nation. Thus, the importance of the family and happiness involved in the family must be realized by either of the spouses in all cases.

5. It is very easy to pick up certain petty quarrels and enter into a legal battle. The legal battle undoubtedly would cause greatest mental agony to the spouses and this Court has a strong opinion that at later point of time, the spouses will feel that they have committed an error in entering into a legal battle for flimsy reasons. Undoubtedly, for the grounds raised against the spouses are deeper and cannot be compromised, then it may not be possible for any such reunion and however, in the present case, there is no such issues. On account of petty quarrels, the petitioner and the respondent are living separately unnecessarily and the child is also put to hardship. The young child is deprived of his right of getting love and affection from his father. These aspects are to be borne in mind by the spouses.

6. Temperament differences may arise on some occasions due to various factors on account of the fact that the human mind is such, where provocations may arise. However, humans having the advantage of 6th sense, must apply his mind and realize the reality as well as by adopting a practical approach. Thus, the parties to the matrimonial institution must keep in mind that the level of tolerance is required so as to maintain peace and happiness within the family.

7. In the present case, the petitioner wife realized her mistake and sought apology before the respondent husband while presenting before this Court. She made an assurance that she will not indulge in any such provocative activities in future and she will cooperate for the happiness of the family. She will take care of the interest of the family also. So also the respondent husband also realized certain mistakes and he made a promise that he will not commit any such small mistakes if at all the same cause any inconvenience to the petitioner wife.

8. At last, every marriage is solemnized to create a happy family. However, parties should understand that at no point of time they should lose happiness and in the event of losing happiness, the entire life will become tedious. Till such time they understand the deepness of happiness in the family, the level of understanding and tolerance is required. It is like

practising tolerance. While practising tolerance, they achieve the goal of happiness and ultimately, at one point of time, they get an immense pleasure within the family and that would be a point for creation of best society as well as a better nation.

9. This Court records the appreciation as the petitioner as well as the respondent realized that they have to live happily so as to constitute a good family and the interest of the child. Accordingly, the petitioner and the respondent whole heartedly agreed to resume the matrimonial home and continue the same without any further issues.

10. In view of the fact that the petitioner and the respondent agreed to resume the matrimonial home and even before this Court, they have resumed. The father is also having love and affection to the child which this Court could able to see. The respondent husband agreed to withdraw the petition filed in H.M.O.P.No.2716 of 2020, within a period of four weeks from today.

11. Accordingly, the respondent is directed to withdraw the H.M.O.P.No.2716 of 2020, from the file of the Family Court, Chennai and the learned counsel for the respondent also agreed that necessary steps will be taken to withdraw the same. All other issues are to be discussed mutually without any prejudice and without any reservation, the couples should pave way to live a happy life.

12. Accordingly, Tr.C.M.P.No.51 of 2021, stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

gsk
To
The Principal Judge,
Family Court, Chennai.

+1 cc to Mr.A.Raghuraman, Advocate, SR.NO.20606

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C.M.P.No.2020 of 2021

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