



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.306 of 2021
and
C.M.P. No.7515 of 2021

S.A.Kalaivani

... Petitioner

Versus

V.Dharanirajan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P. No.105/2020 on the file of Sub Court, Gudiyatham and transfer the same to the file of the Sub Court, Arakkonam.

For Petitioner : Mr. S.Kaithamalai Kumaran

For Respondent : Mr. S.Raja Ravi Varma

O R D E R

This transfer petition is filed to withdraw H.M.O.P. No.105 of 2020 on the file of Sub Court, Gudiyatham and transfer the same to the file of the Sub Court, Arakkonam.

2. The petitioner is the wife. The marriage between the petitioner and respondent husband was solemnized on 14.09.2007. It is the case of the petitioner that she was put to tremendous torture and had suffered cruelty at the hands of the respondent and that she was forced to stay away from the husband for the reasons due to the conduct and attitude of the respondent. The respondent husband filed a petition for restitution of conjugal rights in H.M.O.P. No.105 of 2020 before the Sub Court, Gudiyatham.

3. Learned counsel appearing for the petitioner states that the petitioner is living with her two minor children at Arakkonam and that she is unable to meet her both ends apart from other physical constraints to attend hearing at a far away place. Hence, he seeks transfer of case.



4. Learned counsel appearing for the respondent husband though has expressed some grievance for transfer, submitted that there is an element of settlement between the parties since no divorce petition is filed so far. Hence, he seeks to refer the matter to mediation. Learned counsel further states that both the parties will be put to more suffering if the parties are directed to appear before the mediation centre attached to this Court. He further states that the matter can be dealt with by Sub Court, Arakkonam and that the learned Sub Judge, Arakkonam may refer the matter to District Mediation Centre attached to District Court, Ranipet. Learned counsel submitted that the transfer is in the interest of minor children.

5. Considering the grievance of the petitioner and the fact that referring the matter to mediation centre attached to this Court will cause hardships to both parties, this Court is inclined to pass the following order:

" The proceedings in H.M.O.P. No.105 of 2020 on the file of Sub Court, Gudiyatham are hereby withdrawn and transferred to Sub Court, Arakkonam. The learned Sub Judge, Arakkonam shall refer the matter to Mediation Centre, attached to District Court, Ranipet, in case the learned Sub Judge, finds an element of settlement between the parties. The petitioner wife shall cooperate for early disposal. However, it is made clear that if the wife fails to attend two consecutive hearings, the respondent is at liberty to file a fresh transfer petition before this Court."

6. This Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

bkn

Copy To:

1.The Sub Judge,
Gudiyatham.

2.The Sub Judge,
Arakkonam.



3.The Tamil Nadu Mediation and Conciliation Centre,
High Court, Madras.

4.The Mediation Centre,
District Court, Ranipet.

+1cc to M/s.S.Kaithamalai Kumaran, Advocate Sr.29965

Tr. C.M.P. No.306 of 2021

ssn[co]
srg 23/07/2021