



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

THE HONOURABLE MRS. JUSTICE S. KANNAMMAL

Tr.C.M.P. No. 575 of 2021
and
C.M.P. No. 14910 of 2021

Veerabharathi Devi

.. Petitioner/wife

Versus

M. Boobalamurugan

.. Respondent/husband

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No. 47 of 2021 on the file of the Subordinate Court, Mettupalayam and transfer the same to the file of the Sub Court, Sankari.

For Petitioner : Mr. I. Abrar Md Abdullah

For Respondent : Mr. R. Harinak

O R D E R

This transfer petition is filed to withdraw H.M.O.P. No. 47 of 2021 from the file of the Subordinate Court, Mettupalayam to the file of the Sub Court, Sankari.

2. The petitioner is the wife. The marriage between the petitioner and respondent/husband was solemnized on 06.06.2011 as per Hindu rites. 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 in H.M.O.P. No. 47 of 2021 before the Sub Court, Mettupalayam to set aside the marriage between the petitioner and respondent/husband was solemnized on 06.06.2011.

3. The learned counsel appearing for the petitioner states that the petitioner along with her daughter, namely, Kiruthi is living in her parents' house at Ilampillai and that she is unable to meet her both ends, apart from other physical constraints to attend hearing at a far away place. Hence, the learned counsel seeks transfer of case.



4. The learned counsel appearing for the respondent/husband submitted that though the petitioner/wife has expressed some grievance for transfer, there is an element of settlement between the parties. Hence, the learned counsel seeks to refer the matter to mediation. He further submitted 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, Sankari and that the learned Sub Judge, Sankari may refer the matter to District Mediation Centre attached to District Court, Sankari.

5. It is seen that the petitioner/wife has not filed divorce petition. Hence, this Court is of the view that there is a possibility of re-union. Therefore, the learned Subordinate Judge, Mettupalayam is hereby directed to refer the matter to the Mediation and Conciliation Centre attached to the District Court, Coimbatore.

6. With the above direction, this petition is dismissed. However, a liberty is given to the petitioner to file a fresh petition, if the matter is not settled. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msm

To:

1. The Subordinate Judge, Mettupalayam.
2. The Sub Court, Sankari.
3. The District Judge, Coimbatore.

+1cc to Mr. R. Harinath, Advocate, S.R.No.65466

Tr. C.M.P. No. 575 of 2021

PL(CO)
CT 08/02/2022