



WEB COPY

Tr CMP (MD) No. 77 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.77 of 2021 and

CMP (MD) .No.1416 of 2021

B.Suganya

... Petitioner/Respondent

-vs-

Manimaran

.... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.2741 of 2020 pending on the file of Family Court, Chennai and to transfer the same to Sub Court, Mudhukulathur or any other Court for disposal of the same on merits in accordance with law.

For Petitioner : Mr.A.Arumugam

For M/s.Ajmal Associates

For Respondent : Mr.A.Gokulakrishnan

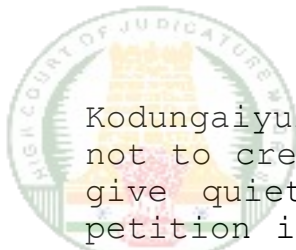
O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.2741 of 2020 pending on the file of Family Court, Chennai and to transfer the same to Sub Court, Mudhukulathur or any other Court.

2.The respondent/husband has filed H.M.O.P.No.2741 of 2020 before Family Court, Chennai, for dissolution of marriage.

3.The learned counsel for the petitioner/wife submitted that the petitioner is living with her aged parents at Kamuthi Taluk in Ramanathapuram District. If the petitioner attends the Court hearing at Chennai, there would be life threat at the hands of the respondent and his family members. Moreover, the distance between Ramanathapuram and Chennai is nearly 540 kms. In such situation, it is difficult for the petitioner to attend every hearing in H.M.O.P.No.2741 of 2020 at Chennai. Hence, he seeks to transfer the case to Mudhukulathur and also submits that if the matter is referred to Mediation Centre, there could be amicable settlement before the parties.

4.The learned counsel for the respondent/husband would submit that the respondent is working as a Police Constable in Chennai. Due to the matrimonial dispute, the petitioner and her family members had threatened the respondent with dire consequences, for which, the respondent registered a case in CSR No.617 of 2020 before the



Kodungaiyur Police Station where the petitioner's family were warned not to create any trouble. In order to take the matter legally and give quietus to the situation, the respondent filed the divorce petition in HMOP.No.2741 of 2020 before the Principal Family Court, Chennai and he opposed to transfer the case to Mudhukulathur. However, he has no objection to refer the matter before the Mediation Centre.

5.Considering the facts and circumstances of the case and also considering the submissions made by both counsel, H.M.O.P.No.2741 of 2020 is withdrawn from the file of the Family Court, Chennai and transferred to the file of the Subordinate Court, Mudhukulathur, for disposal as per law. The Judge, Family Court, Chennai, is directed to transmit the papers to the Subordinate Court, Mudhukulathur, forthwith. The learned Subordinate Judge, Mudhukulathur, is directed to refer the matter to mediation and on receiving the report of mediation, H.M.O.P.No.2741of 2020 shall be disposed of on merits and in accordance with law as expeditiously as possible.

6. In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Judge, Family Court, Chennai.

2.The Subordinate Judge, Mudhukulathur.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-23048[F] dated 19/07/2021)

Tr.C.M.P. (MD) No.77 of 2021 and
CMP(MD) .No.1416 of 2021

16.07.2021

RD(27.07.2021) 2P 4C

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