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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Tr.C.M.P.No.421 of 2021
and
C.M.P.No.10253 of 2021

S.Ranjitha .. Petitioner/Respondent

Vs.

Sakthi Srinivasan @ Ganesh .. Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw the HMOP.No.638 of 2019 on the file of Sub Court, Poonamallee and transfer the same to the Sub-Court, Ranipet.

For Petitioner: Mr.S.Mukunth

For Respondent: Mr.Ramalingam Karunakaran

O R D E R

This petition has been filed seeking for the transfer of proceedings in HMOP.No.638 of 2019 which is now pending on the file of Sub-Court, Poonamallee, to the file of Sub-Court, Ranipet.

2. Heard Mr.S.Mukunth, learned counsel for the petitioner and Mr.Ramalingam Karunakaran, learned counsel for the respondent.

3. The case of the petitioner is that she was married to the respondent in the year 2016 and a son was born out of the said wedlock in the year 2018. There was some misunderstanding between the parties and the same lead to the separation of the husband and wife. The respondent initiated HMOP.No.638 of 2019 under Section 9 of the Hindu Marriage Act seeking for restitution of conjugal rights and the same is pending on the file of the sub-Court, Poonamalle.



4. The further case of the petitioner is that the petitioner is taking care of the child who is now 3 ½ years. The transfer petition has been filed on the ground that the marriage had taken place at Walajapet and the petitioner is residing at Walajapet and is taking care of the child and that she is not able to travel to Poonamalle during every hearing to attend the proceedings in HMOP.No.638 of 2019.

5. The learned counsel for the respondent submitted that the respondent is employed in the Police Department and he is now presently posted at Ambattur. That apart, the marriage had taken place only in the year 2016 and there is a child aged about 3 ½ years. The learned counsel submitted that some efforts can be taken to reconcile the differences between the parties and to restore the relationship atleast in the interest of the child. The learned counsel submitted that the respondent had taken into consideration the interest of the child and was also willing to live with the petitioner and that is the reason why he has filed the petition seeking for the relief of restitution of conjugal rights.

6. The learned counsel for the petitioner submitted that the differences had occasioned only due to the harsh behavior of the respondent and at one stage, it became unbearable for the petitioner to deal with the respondent. The learned counsel submitted that if the respondent is willing to change his attitude and is genuinely interested in restoring the relationship, an attempt can be made to reconcile between the parties. The learned counsel further submitted that the petitioner is living in Walajapet and it is not been possible for her to travel with the child and hence the matter can be directly sent to the Mediation Centre attached the District Court, Ranipet.

7. This Court carefully considered the submissions made on either side and materials available on record.

8. This Court does not want to go into the various allegations that have been made by either parties against each other. Now that the learned counsel appearing on either side are suggesting that an effort can be made to refer the parties to mediation to reconcile the differences, the same can be taken into consideration while passing orders in this transfer petition.



9. The grounds that have been raised by the petitioner while seeking for transfer of the proceedings pending in HMOP.No.638 of 2019, on the file of Sub-Court, Poonamalle, is legally sustainable and the petitioner has made out a ground for transfer. In view of the same, this Court is inclined to transfer the proceedings to the file of the Sub-Court, Ranipet. However, since the learned counsel for the respondent submitted that an effort should be taken to restore the relationship between the parties, this Court is also inclined to refer the parties for mediation. Therefore, this Court has to pass an order to balance the interest of both the parties. In view of the above discussion, this transfer civil miscellaneous petition is disposed of with the following directions:

a) The proceedings in HMOP.No.638 of 2019 pending on the file of the Sub-Court, Poonamalle is withdrawn and transferred to the file of Sub-Court, Ranipet.

b) The petitioner and the respondent are directed to appear before the Mediation Centre attached to the High Court on 11.03.2022 at 3.00 p.m. The Mediation process shall be commenced immediately and shall be completed within a period of 4 weeks.

c) In the mean time, the Sub-Court, Poonamalle shall transfer all the records to the file of the Sub-Court, Ranipet.

d) The report of the Mediator shall be sent to the Sub-Court, Ranipet within a period of 6 weeks from 11.03.2022. Depending upon the report, the Sub-Judge shall either record compromise between the parties or if the parties do not compromise, shall proceed further with the case and dispose it of as expeditiously as possible.

No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar

dsa

To

1. The Sub-Judge, Poonamallee.
2. The Sub-Judge, Ranipet.



3. The Tamil Nadu Mediation Centre,
High Court, Chennai - 104.

+lcc to M/s.Sarvabhauman Associates, Advocate SR.No.14814

+lcc to Mr.R.Karunagaran, Advocate SR.No.14966

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SPD(CO)
CB(22/03/2022)