



WEB COPY



Tr.CMP.No.47 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2023

CORAM:

THE HONOURABLE MRS.JUSTICE **T.V.THAMILSELVI**

Tr.CMP.No.47 of 2023 and
CMP.No.1404 of 2023

R.Rekha

... Petitioner

Vs.

B.Raja Hari Prashanth

... Respondent

PRAYER:

Transfer CMP is filed under Section 24 of CPC to withdraw the case in OP.No.5347 of 2022 on the file of the learned VI Additional Family Judge, Chennai and transfer the same to the file of learned Family Judge, Krishnagiri.

For Petitioner : Mr.J.Hariharan

For Respondent : Mr.K.Kannan

ORDER

The petitioner herein is the wife of the respondent herein. She has filed this transfer CMP praying to transfer the petition filed by the husband for



Tr.CMP.No.47 of 2023

restitution of conjugal rights in OP.No.5347 of 2022 pending before the VI Additional Family Court, Chennai to the Family Court, Krishnagiri to try along with the divorce petition filed by her in OP.No.226 of 2022.

2. The learned counsel for the petitioner submits that she is living with her 13 years old daughter-Harshini Sai and she is unable to attend the court at Chennai as she has to travel nearly 300 kilometers.

3. The learned counsel for the respondent submits that when the matter was referred for mediation, the petitioner not attended though the respondent appeared before the Mediation Centre. So he raised objection. The petitioner wants to drag her husband to Krishnagiri in order to harrass him. Further, he is also interested for re-union.

4. The reason assigned by the husband is justifiable since he wants for re-union and the conduct of the petitioner shows that she is in adamant attitude and not inclined to settle the issue.



Tr.CMP.No.47 of 2023

5. Therefore, the Family Court, Krishnagiri is directed to send the case for mediation not less than five sittings and on each hearing, the revision petitioner should also appear for mediation along with her minor daughter.

6. Furthermore, the learned counsel for the respondent submits that the 13 years old daughter is always willing to come with father. At the earlier occasion also, the mother used to give the daughter's custody with him, but for the past six months, she refused to show the minor daughter.

7. As the father, he is entitled to be with her daughter. Accordingly, the submissions made by the learned counsel for the respondent is taken into consideration and the visitation right is given to the father / respondent herein to see his minor daughter at her school during the interval. At first Saturday of every English calendar month, the father is permitted to see his minor daughter at her School or Court premises. During the May vacation, the petitioner is directed to give interim custody of the daughter to the father for a period of two weeks and the father is also advised to take care of the minor daughter without causing any annoyance to her. The minor daughter is also permitted to speak with her grandparents during the above two weeks period and she may



Tr.CMP.No.47 of 2023

stay with them. The said period of two weeks shall be either the first two weeks or the last two weeks of May month, which is at the option of the minor daughter. During the said period of two weeks, the father shall not abuse the minor daughter using filthy language or in a drunken mood.

8. The learned counsel for the respondent submitted that the daughter has cordial relationship with her father. Recently only, mother not permitted to talk with the daughter. Even telephonic conversation was produced before this Court. It reveals that the minor daughter is inclined to speak with her father. Therefore, the petitioner / wife is directed to allow the minor daughter-Harshini Sai to speak with her father through mobile phone also.

9. With the above condition, OP.No.5347 of 2022 pending on the file of the learned VI Additional Family Judge, Chennai is withdrawn and transferred to the file of learned Family Judge, Krishnagiri to try along with the divorce petition filed by the petitioner in OP.No.226 of 2022.. The VI Additional Family Judge, Chennai is directed to send the entire case bundle to the Family Court, Krishnagiri forthwith.



Tr.CMP.No.47 of 2023

10. In the result, this transfer CMP stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

06.04.2023

Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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Tr.CMP.No.47 of 2023

T.V.THAMILSELVI, J.

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To

- 1.The learned VI Additional Family Judge,
Chennai
- 2.The learned Family Judge,
Krishnagiri.

Tr.CMP.No.47 of 2023

06.04.2023