



WEB COPY



Tr.C.M.P(MD)No.192 of 2024 and Tr.C.M.P.No.204 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P(MD)No.192 of 2024 and Tr.C.M.P.No.204 of 2024
and
C.M.P(MD)No.4255 of 2024 and C.M.P.No.3924 of 2024

Tr.C.M.P(MD)No.192 of 2024

J.Dinesh Santhosh Raj

... Petitioner

Vs.

Shiny Brintha

... Respondent

Tr.C.M.P.No.204 of 2024

Shiny Brintha

... Petitioner

Vs.

J.Dinesh Santhosh Raj

... Respondent

PRAYER in Tr.C.M.P(MD)No.192 of 2024: Transfer Civil Miscellaneous
Petition filed under Section 24 of the Code of Civil Procedure, to withdraw
and transfer the above I.D.O.P.No.377 of 2023 from the Family Court at
Tirunelveli to the Family Court at Madurai.



Tr.C.M.P(MD)No.192 of 2024 and Tr.C.M.P.No.204 of 2024

PRAYER in Tr.C.M.P.No.204 of 2024: Transfer Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure, to transfer the I.D.O.P.No.1422 of 2023 pending on the file of the Additional Principal Family Court, Coimbatore to the file of the Family Court at Tiruvelveli and to be tried along with I.D.O.P.No.377 of 2023.

For Petitioner
in Tr.C.M.P(MD)No.192 of 2024
and Respondent
in Tr.C.M.P.No.204 of 2024 : Mr.K.Chinraj

For Petitioner
in Tr.C.M.P.No.204 of 2024
and Respondent
in Tr.C.M.P(MD)No.192 of 2024 : Mr.K.Manimaran

COMMON ORDER

Tr.C.M.P(MD).No.192 of 2024 is filed to withdraw I.D.O.P.No.377 of 2023 from the file of the Family Court at Tirunelveli and transfer the same to the file of the Family Court at Madurai.

2.Tr.C.M.P.No.204 of 2024 is filed to withdraw I.D.O.P.No.1422 of 2023 from the file of the Additional Principal Family Court, Coimbatore to



Tr.C.M.P(MD)No.192 of 2024 and Tr.C.M.P.No.204 of 2024

the file of the Family Court at Tiruvelveli.

WEB COPY

3.Since the issues and the parties are one and the same, both the transfer civil miscellaneous petitions are taken up together and disposed of by way of common order.

4.For the sake of convenience and clarity, the parties are referred to as husband and wife.

5.The learned counsel for the petitioner in Tr.C.M.P.No.192 of 2024 submitted that the marriage between the petitioner and the respondent solemnized on 27.01.2022 at St.Paul's Church, Jawahar Nagar, Tirunelveli. At that time, the husband was working as HR in Photon Interactive Private Limited, Bangalore. When the husband and wife staying at Bangalore and Hyderabad, thereto the wife shown no interest to perform her matrimonial duties and she always speaking over the phone to the family members or to her colleagues which was objected. Further, the wife shown no interest in cooking and keeping the house in order. Only the husband was doing all



the works. The wife's condition was that the house in Coimbatore to be registered in her name which was objected, hence, she started to make wild allegations. Further, the husband was threatened that if he comes to Tirunelveli, he would be physically handled by the wife's brother and relatives. After mediation in I.D.O.P.No.377 of 2023 completed, on 15.03.2024 when the husband and his parents were waiting in the bus stand to board bus, they were abused and threatened. Thereafter, the husband immediately sent representation to the Principal District Judge, Tirunelveli and to the Police authorities but no action taken. The husband apprehends fear for his life. For that reason only, he seeks transfer of I.D.O.P.No.377 of 2023 from the Family Court at Tirunelveli to the Family Court at Madurai which would be a safe and common place. It is only one hour travel from Tirunelveli to Madurai which would not be difficult for her. Hence, both I.D.O.Ps filed by the husband and wife can be heard together in a common place at Madurai and both can be disposed.

6.The learned counsel for the petitioner in Tr.C.M.P.No.204 of 2024 submitted that the husband filed petition for restitution of conjugal rights in



I.D.O.P.No.1422 of 2023 with false averments as though after the marriage

the wife had not brought any gold jewels and the same retained by her father in locker in native. The wife insisted the husband for setting up of separate nucleus family. The husband and his family members had come to house of the wife to meet her parents to sort out the issue. During that time, it was confirmed unless the husband sets separate nucleus family she will not join him. Left with no other option, the husband found a flat for rent in Bangalore on 08.05.2022. Though the wife joined the husband in new flat at Bangalore at that time also she picked up quarrel. On 16.06.2022, the wife's parents came to Bangalore, threatened the husband and took her daughter along with them. Again on 10.06.2023 after the husband posted in Hyderabad, the husband took his wife there. At that time also, the same condition prevailed. The contention of the husband is that under the influence of her parents, the wife is not cooperating with the husband, hence, he sought for restitution of conjugal rights. He further submitted that the activities of husband having extra marital affairs with many women, not acceptable. When the same was questioned, she was threatened and assaulted. When the wife willingly joined the husband at Bangalore and



Hyderabad, thereto the husband was glued to his mobile, laptop and other devices watching porn pictures and his previous recordings and he never shown any interest to build bondage with the wife, seems to be more focused over the carnal pleasure, nothing else. Unable to bear any further, she lodged complaint to Police as well as to Social Welfare Officer about the activities of the husband. Finding that there is no point in continuing the matrimonial life, she filed the divorce petition. On the contrary, the husband filed the petition for restitution of conjugal rights in Coimbatore Family Court in I.D.O.P.No.1422 of 2023. The case is filed in Coimbatore just to cause harassment and sufferings to the wife. The story of threat on 15.03.2024 is artificial one, which is created for the purpose of transfer of the case, hence, strongly objected.

7.Considering the submissions and on perusal of the materials, it is seen that on 15.03.2024 when the husband and his parents after attending the Court proceedings in Tirunelveli were threatened and abused and complaint has been lodged. The husband is seeking transfer to Madurai which is a common place not far off from Tirunelveli. The wife is required



Tr.C.M.P(MD)No.192 of 2024 and Tr.C.M.P.No.204 of 2024

to travel less than two hours. The husband in any event has to travel from Hyderabad to Madurai which is better connectivity than Tirunelveli. To remove the fear, apprehension of threat and injury, it will be better the cases are transferred to the Family Court at Madurai.

8.In view of the above, this Court withdraws the proceedings in I.D.O.P.No.377 of 2023 from the file of the Family Court at Tirunelveli and transfers the same to the file of the Family Court at Madurai. Similarly, this Court withdraws the proceedings in I.D.O.P.No.1422 of 2023 from the file of the Additional Principal Family Court at Coimbatore and transfers the same to the file of the Family Court at Madurai.

9.The Family Court at Madurai is directed to conduct trial in both the proceedings I.D.O.P.No.377 of 2023 and I.D.O.P.No.1422 of 2023 together and complete the same preferably within a period of four months from the date of receipt of a copy of this order.



Tr.C.M.P(MD)No.192 of 2024 and Tr.C.M.P.No.204 of 2024

WEB COPY

10.In the result, Tr.C.M.P(MD)No.192 of 2024 is allowed and Tr.C.M.P.No.204 of 2024 is dismissed. Consequently, connected civil miscellaneous petitions are closed. No costs.

12.07.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes

vv2

To

- 1.The Family Court at Tirunelveli.
- 2.The Family Court at Madurai.
- 3.The Additional Principal Family Court,
Coimbatore.



WEB COPY



Tr.C.M.P(MD)No.192 of 2024 and Tr.C.M.P.No.204 of 2024

M.NIRMAL KUMAR, J.

vv2

Tr.C.M.P(MD)No.192 of 2024 and
Tr.C.M.P.No.204 of 2024

12.07.2024