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TR.C.M.P.Nos.121 and 124 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2024

CORAM:

THE HONOURBLE MR. JUSTICE M. NIRMAL KUMAR

TR.C.M.P.Nos.121 and 124 of 2024
and C.M.P.Nos.2621 and 2632 of 2024

S.R.Jaya Anci

... Petitioner in
both Tr.C.M.Ps.

Vs.

I. Vasanth

... Respondent
both Tr.C.M.Ps.

PRAYER: The Transfer Civil Miscellaneous Petition has been filed under Section 24(b)(ii) of Civil Procedure Code to withdraw and transfer the proceedings in I.D.O.P.No.38 of 2023 and 26 of 2023, respectively, which are pending on the file of the Principal District Judge, Krishnagiri, and transfer the same to the file of the Principal District Court at Salem.

For Petitioner : Ms.Elizabeth Ravi

For Respondent : No appearance

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COMMON ORDER

The petitioner/wife had filed I.D.O.P.No.38 of 2023 before the Principal District Judge, Krishnagiri, seeking divorce. The respondent/husband had filed I.D.O.P.No.26 of 2023 seeking restitution of conjugal rights before the Principal District Judge, Krishnagiri. Since the petitioner and the respondent are the husband and wife, both the Transfer Civil Miscellaneous Petitions are disposed of by way of a common order.

2. The contention of the petitioner is that the marriage between the petitioner and the respondent had taken place on 11.11.2018. The petitioner/wife has completed B.E., M.E and previously employed as Deputy Manager in Axis Bank, Bangalore. The respondent/husband has completed M.E., M.B.A and is working as Software Engineer in Bangalore. Out of the wedlock, they are blessed with a baby boy, namely, Elvin, born on 23.08.2019. Initially, they were living happily and in fact, both of them had



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visited the Doctor during pregnancy for regular medical check up. On 15.08.2020, a strong quarrel arose between the petitioner and the respondent and the respondent has failed to live with the petitioner since then. Both are leading a separate life from 15.08.2020. Hence, the petitioner lodged a police complaint on 11.02.2023 against the respondent in All Women's Police Station at Bargur, Krishnagiri. The respondent had not participated in the enquiry conducted by the police and not visited the son. Hence, the petitioner filed I.D.O.P.No.38 of 2023 seeking divorce.

3. The learned counsel for the petitioner submitted that the petitioner has resigned the job to take care her son and for his welfare, she is residing with her parents at Salem and now she is not earning and is at the mercy of her parents. The petitioner, being a single lady, travelling from Salem to Krishnagiri with her minor son to attend the Court is not possible and would be an harassment. Hence, she filed the above petitions. The



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learned counsel fairly submitted that the matter can be referred to the Mediation Centre, attached to the District Court at Salem, so that the issue between them may be resolved.

4. The learned counsel for the petitioner further submitted that the respondent/husband has filed I.D.O.P.No.26 of 2023 for restitution of conjugal rights before the Principal District Judge, Krishnagiri and he is still interested to live with the petitioner.

5. Court notice has been served to the respondent, and name of the respondent is also printed in the cause list. But, none appeared on behalf of the respondent. In view of the same, there is no serious objection on the side of the respondent for transferring the case from Krishnagiri to Salem.



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6. Considering the facts that the petitioner has resigned her job in Bangalore and is now residing at her parent's home along with minor son and being a single lady, it is difficult to travel from Salem to Krishnagiri along with her minor son, this Court is inclined to withdraw the cases I.D.O.P.No.38 of 2023 and I.D.O.P.No.26 of 2023 pending on the file of the Principal District Judge, Krishnagiri, and hence, the same shall stand withdrawn and transferred to the file of the Principal District Judge, Salem.

7. The Principal District Judge, Krishnagiri, is directed to send the entire records relating to I.D.O.P.No.38 of 2023 and I.D.O.P.No.26 of 2023 to the Principal District Judge, Salem. The Principal District Judge, Salem, is directed to refer the matter to the Mediation Centre attached to the District Court to resolve the dispute between them. In the event of failure of mediation, the Principal District Judge, Salem, is further directed to dispose of the cases in I.D.O.P.Nos.38 of 2023 and 26 of 2023 in accordance with



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law, within a period of six (6) months from the date of receipt of a copy of
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this order.

M. NIRMAL KUMAR, J.

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With the above directions, these Transfer Civil Miscellaneous
Petitions are allowed. There shall be no order as to costs. Consequently, the
connected Miscellaneous Petitions are closed.

12.07.2024

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To

1. The Principal District Judge, Krishnagiri.
2. The Principal District Court, Salem.

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