



Tr.CMP.No.130 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.CMP.No.130 of 2024  
and C.M.P.No.2728 of 2024

S.Kavipriya

... Petitioner

Vs.

C.Ezhil Arasan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer H.M.O.P.No.56 of 2023 pending on the file of the Subordinate Judge, Arani, Thiruvannamalai District to the file of the Family Court, Krishnagiri.

For Petitioner : Ms.N.Nathami

For Respondent : No appearance

ORDER

The petitioner, respondent in H.M.O.P.No.56 of 2023 on the file of the Subordinate Court, Arani filed this petition seeking transfer of the case from the file of the Subordinate Court, Arani to the file of the Family Court, Krishnagiri.



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2.Despite service of notice and name printed in the cause list, no representation for the respondent either in person or by any counsel.

3.The contention of the learned counsel for the petitioner is that the marriage between the petitioner and the respondent was solemnized on 14.06.2019 at Sanjeevan Mahal, Bargur, Krishnagiri District. Initially they lived together in Chennai for sometime and thereafter, they shifted to Hyderabad. Both the petitioner and the respondent are Software Engineers. Slowly the respondent started neglecting the petitioner, abused her and subjected her to cruelty. On 22.07.2022, the petitioner was chased out of the matrimonial home and from then on, the petitioner is staying with her parents at Krishnagiri under their care. The respondent presently working from home at Arani and he filed a divorce petition on the ground of desertion and cruelty in H.M.O.P.No.56 of 2023 before the Subordinate Court, Arani, Thiruvannamalai District. The petitioner/wife filed a petition for restitution of conjugal rights in H.M.O.P.No.9 of 2024 before the Family Court, Krishnagiri District. He would submit that the petitioner/wife is very much interested to continue with the matrimonial life with the respondent but the respondent had taken the extreme step of filing a divorce petition.



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The petitioner is a resident of Krishnagiri and she has to travel all the way to Arani to attend the Court, which is a harassment, further, it will not be convenient for her to travel alone and not possible to attend the Court and return back home on the same day. In any event, H.M.O.P.No.9 of 2024 is pending before the Family Court, Krishnagiri and the respondent is necessarily to appear before the Family Court, Krishnagiri.

4.In the meanwhile, finding that both the petitioner and the respondent had a love marriage and there is no serious difference between them and it is only a misunderstanding between both the parents, who naturally will have issues since it is a love marriage, hence the matter may be referred to Mediation for amicable settlement.

5.Accordingly, the Registry is directed to place the matter before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras. Both of them agreed for Ms.Chitra Narayanan [Mobile No.9094031934] to act as a Mediator to resolve the issue between the petitioner and the respondent for continuing with the matrimonial life. Till such time, the proceedings in H.M.O.P.No.56 of 2023 is stayed.



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6.In the event of failure of Mediation, the case in H.M.O.P.No.56 of 2023 on the file of Subordinate Court, Arani, Thiruvannamalai District is transferred to the file of the Family Court, Krishnagiri where H.M.O.P.No.9 of 2024 filed by the petitioner for restitution of conjugal rights is pending and both the cases to be tried together and disposed of as expeditiously as possible.

7.Accordingly, the Transfer Civil Miscellaneous Petition is allowed.  
No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index:Yes/No  
Speaking Order: Yes/No  
*cse*



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To

1.The Subordinate Judge,  
Arani,  
Thiruvannamalai District.

2.The Family Court,  
Krishnagiri.



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M.NIRMAL KUMAR, J.

*cse*

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