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Tr.C.M.P.No.351 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.351 of 2023
and C.M.P.No.7757 of 2023

S.Rajkannan

.. Petitioner

Versus

B.S.Shindhujaa

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the petition in F.C.O.P.No.131 of 2022 on the file of Family Court, Tiruvannamalai and to transfer the same to the Family Court in Chennai at Madras and or any other Court or jurisdiction as per the directions of this Court.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.M.Saravanan,
for Mr.G.Mohan

ORDER

This Transfer Civil Miscellaneous Petition is at the instance of the husband.



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2. The petitioner/husband married the respondent/wife on 06.11.2020.

Thereafter, due to allegations and counter allegations, the parties separated.

The wife left the matrimonial home and returned to her parental home at Tiruvannamalai. Subsequently, several proceedings were initiated by the wife in D.V.C.No.10 of 2021, S.T.C.No.778 of 2021 and F.C.O.P.No.131 of 2022 at Tiruvannamalai.

3. Since the parties were appearing before several forums, friends and relatives advised them to settle the matter amicably. Therefore, the parties entered into a memorandum of understanding on 14.03.2022. Instead of the matter being settled pursuant to the agreement, it exacerbated. When the parties appeared for mediation, even the learned Counsel who was representing the petitioner herein was not spared. Further, when the petitioner's mother, who is said to be holding a responsible position, appeared before the Court on 04.11.2022, she was assaulted by the father of the respondent/wife. Pleading that if the petitioner appears in Tiruvannamalai, there is no safety for his life and limb, the present Transfer Civil Miscellaneous Petition is presented.



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4. Notice was ordered in the petition on 20.04.2023 and the respondent entered appearance through Mr.G.Mohan, learned Counsel.

5. Heard Mr.B.Kumarasamy, learned Counsel for the petitioner and Mr.M.Saravanan, learned Counsel for Mr.G.Mohan, learned Counsel for the respondent.

6. The fear that was expressed by the petitioner/husband is not with respect to any incident that took place within the precincts of the Court. When the petitioner's mother visited the Family Court at Tiruvannamalai, she alleged that the father of the respondent/wife assaulted her. To that effect, she lodged a complaint and also gave a petition to the learned Principal District Judge, Tiruvannamalai. The matter is pending enquiry.

7. The allegations not having been made as against the Court or on any grounds of inconvenience for the husband. Hence, I am not inclined to entertain the transfer. However, the presence of the petitioner is dispensed with before the Court for non-essential and procedural hearings. For such hearings, he shall be represented by a Counsel, which the Family Court at



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Tiruvannamalai shall permit. For essential hearings or on such dates that the petitioner/husband has to be present, he shall be present before the Court. In future, when the petitioner/husband or when his mother appears in Court, in case, there are threats that are held out at the instance of the respondent/wife or any of her relatives and connections including her father, the petitioner/husband is at liberty to approach before the learned Judge. After gauging the situation, the learned Judge, if he finds the apprehension to be true, he shall give appropriate directions for Police protection to the petitioner/husband.

8. Mr.M.Saravanan states that there is a possibility that the matter may be settled through mediation. Such being the case, the learned Family Judge at Tiruvannamalai is requested to verify with the parties if there is any possibility of settlement by mediation. In case, there exists such possibility, he shall refer the parties for mediation at Mediation Centre attached to the precincts of this Court.



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9. With the above directions, this Transfer Civil Miscellaneous Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Family Court,
Tiruvannamalai.
2. The Family Court,
Chennai.



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V.LAKSHMINARAYANAN, J.

grs

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