



Tr.C.M.P.No.546 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.546 of 2024  
and C.M.P.No.12024 of 2024

S.K.Gopinath

... Petitioner

Vs.

S.Supraja

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the restitution of conjugal rights petition in H.M.O.P.No.102 of 2024 on the file of the Subordinate Court, Kovilpatti filed by the respondent/wife under Section 9 of the Hindu Marriage At, 1955 and transfer to the Sub Court, Alandur and decide the same on merits.

For Petitioner : Mr.C.V.Kumar  
For Respondent : Ms.P.Neelavathi

ORDER

The petitioner filed this transfer petition seeking transfer of H.M.O.P.No.102 of 2023 filed by the respondent/wife from the file of the Subordinate Court, Kovilpatti to the file of the Sub Court, Alandur.



WEB COPY

2.The learned counsel for the petitioner submitted that marriage between petitioner and respondent solemnized on 14.12.2023 at Devi Shree Gayathri Vidyalayam Thirumana Mandapam, Kovilpatti as per Hindu rites and customs. The petitioner is working as Junior Draughting Officer in Tamil Nadu Water Supply and Drainage Board [TWAD] and the respondent is now currently working as System Engineer in Tata Consultancy Service Private Limited, Chennai. Right from the marriage, the respondent was not having cordial relationship with the petitioner. After marriage, the respondent's started to quarrel with the petitioner and abused him with filthy language without any reason. Thereafter, without informing the petitioner, the respondent left the matrimonial home along with her belongings. Since there was no major dispute between them, the petitioner sent a legal notice dated 13.03.2024 to the respondent calling upon her to settle the disputes between them amicably, for which the respondent sent a reply notice dated 25.03.2024 by averring unfounded facts in a threatening manner and also seeks indefinite time to pursue matrimonial life. Thereafter, the respondent with a malafide intention to harass the petitioner filed a petition for restitution of conjugal rights in H.M.O.P.No.102 of 2024 before the



Tr.C.M.P.No.546 of 2024

Subordinate Court, Kovilpatti. Since the petitioner is a Government servant, it is very difficult for him to travel to Kovilpatti to attend the hearing.

Hence, he prays for transfer.

3.The learned counsel for the respondent submitted that the respondent is willing to reunite with the petitioner and hence, she filed a petition seeking restitution of conjugal rights. Further, she is living with her parents at Kovilpatti and hence, it will be difficult for her to travel to Chennai alone if the case is transferred. Hence, she opposed this petition.

4.Considering the submissions made and on perusal of the materials, it is seen that the respondent being a lady unable to travel alone from Kovilpatti to Chennai to attend the Court proceedings. In view of the above, this Court is not inclined to transfer H.M.O.P.No.102 of 2024 from the file of the Subordinate Court, Kovilpatti.

5.Finding that the marriage was solemnized recently on 14.12.2023, not even an year completed, both the petitioner and the respondent are educated having a long way to go, the case can be referred to Mediation. All



Tr.C.M.P.No.546 of 2024

efforts to be taken to resolve the issues and hence, the Subordinate Court, Kovilpatti is directed to take appropriate steps in this regard. In the event of failure of mediation, since the petitioner is a Government servant and finding it difficult to attend the proceedings in Kovilpatti, the learned Subordinate Judge, Kovilpatti is directed to dispose of H.M.O.P.No.102 of 2024 within a period of three months from the date of receiving the mediation report.

6. Accordingly, this transfer civil miscellaneous petition stands disposed of. Consequently, connected civil miscellaneous petition is closed.

No costs.

02.08.2024

Speaking Order/Non Speaking Order

Index : Yes/No

*cse*



WEB COPY



Tr.C.M.P.No.546 of 2024

M.NIRMAL KUMAR, J.

*cse*

To

The Subordinate Judge,  
Kovilpatti.

Tr.C.M.P.No.546 of 2024

02.08.2024