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(Contact No. 7355504435)

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upgrading, you are
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NOTE: Very important latest created passage for Supreme Court/High Court/District Court/Tribunal etc. related skill tests apart from speed building.

Topic: Matrimonial Dispute & Reconciliation by Court and Mediator

Volume 1, Dictation No. 9

Note: Outlines of all highlighted words/phrases are given at the end of the passage. Adopt all better outlines than yours.

In matrimonial disputes, courts have consistently emphasized the importance of attempting reconciliation before proceeding with adjudication. In the present matter, such an approach was duly adopted when the parties were referred to the Mediation Centre with the hope that an amicable resolution could be reached. Mediation, as an alternative dispute resolution mechanism, plays a vital role in preserving relationships and minimizing the emotional strain often associated with matrimonial litigation. Accordingly, both parties were directed to appear before the Mediation Centre on a scheduled date and time.

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Pursuant to the said direction, the parties appeared before the learned Mediator and participated in the mediation process. Despite sincere efforts made during the sessions and the willingness of the parties to engage in dialogue, no mutually acceptable settlement could be arrived at. The mediation proceedings were therefore concluded as unsuccessful, and the matter was placed back before this Court for further consideration.

Subsequently, the petitioner-wife has approached this Court by way of a transfer petition filed under Section 25 of the Code of Civil Procedure. The relief sought is the transfer of a matrimonial case instituted by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955, seeking restitution of conjugal rights. The case is presently pending before a Family Court located in a different State, far removed from the place where the petitioner-wife is currently residing.

The petitioner-wife has urged several grounds in support of the transfer. It is contended that she is residing with her parents after the matrimonial discord and is dependent upon them for her livelihood. The financial constraints faced by her make it extremely difficult to undertake repeated travel to the court where the proceedings are presently pending. It has also been highlighted that the petitioner is required to travel alone over long distances, which poses safety concerns and adds to her physical and mental hardship. Furthermore, it is submitted that attending court proceedings at such a distant place would disrupt her daily life and impose an undue burden upon her.

The respondent-husband, however, has opposed the prayer for transfer, asserting that the petition lacks

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merit and is intended to harass him. It is contended that he would suffer inconvenience if the case is transferred to another State and that the petitioner's claims of hardship are exaggerated.

This Court has carefully considered the rival submissions advanced by the parties. It is well settled that in matrimonial matters, especially those involving transfer petitions, the Court must adopt a pragmatic and humane approach. The convenience of the wife, particularly when she is not financially independent and is residing separately, deserves special consideration. The object of transfer jurisdiction is to ensure that justice is accessible and not rendered illusory due to practical difficulties faced by a litigant.

Upon evaluating the facts of the present case, this Court finds that the petitioner-wife has established sufficient cause warranting transfer of the proceedings. The distance between the two locations, coupled with her financial dependence and lack of support, constitutes a genuine hardship. Denial of transfer in such circumstances would effectively hinder her ability to participate in the proceedings and defend her case.

In view of the foregoing, the transfer petition is allowed. The matrimonial case pending before the current Family Court shall stand transferred to a competent Family Court within the jurisdiction where the petitioner-wife resides. The transferor court is directed to promptly transmit all records pertaining to the case to the transferee court. The transferee court shall proceed with the matter in accordance with law and endeavour to dispose of the same expeditiously. **Total Words:591**

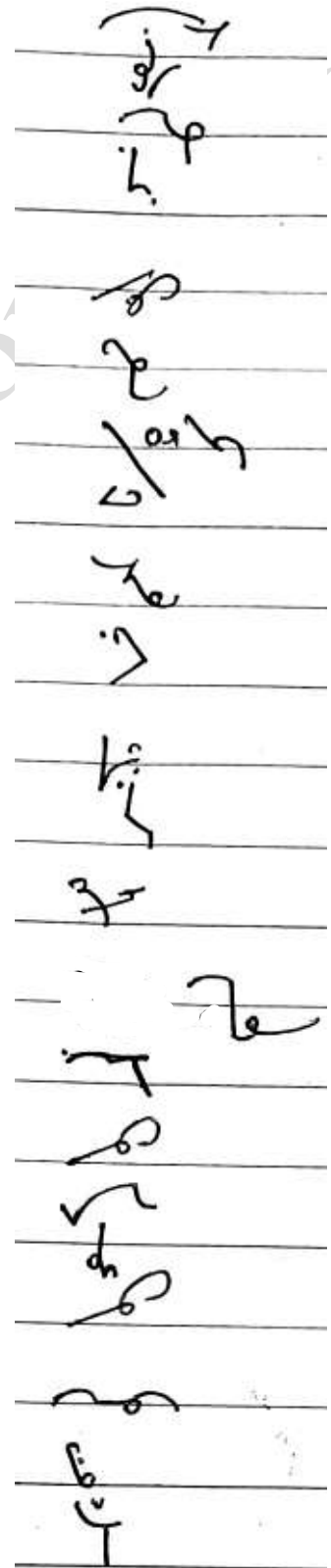
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Outlines of all highlighted words and phrases. Adopt only those outlines which are better than yours.

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