

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.12.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.Nos.18464 and 18465 of 2015
and Tr.CMP.No.492 of 2014
and MP.Nos.1,2 of 2015
in CRL.OP.No.18464 of 2015

Crl.OP.No.18464/15:

1.P.M.Rajarajan
2.Mangayarkarasi

Vs

... Petitioners

J.A.Rashmi

... Respondent

Crl.OP.No.18465/15:

P.M.Rajarajan

Vs

... Petitioner

1.J.A.Rashmi
2.Jayashree

... Respondents

Tr.CMP.No.492 of 2014:

J.A.Rashmi

Vs

... Petitioner

P.M.Rajarajan

... Respondent

Crl.OP.No.18464 of 2015: Criminal Original Petition filed under Section 407 of Cr.P.C., to transfer the case in Crl.MP.No.6 of 2015 on the file of the District Munsif-cum-Judicial Magistrate, Thirukazhukundram to Judicial Magistrate-I, Poonamallee.

Crl.OP.No.18465 of 2015: Criminal Original Petition filed under Section 407 of Cr.P.C., to transfer the case in MC.No.3 of 2015 on the file of the District Munsif-cum-Judicial Magistrate, Thirukazhukundram to Judicial Magistrate-I, Poonamallee.

Tr.CMP.No.492 of 2014: Civil Miscellaneous Petition filed under Section 24 of C.P.C., to order withdrawal of HMOP.No.458 of 2013 on the file of the learned Sub Judge, Poonamallee, Tiruvallur District and tried along with HMOP.No.3 of 2014 learned Principal Sub Judge, Chengalpattu.

For Petitioners in Crl.OP.18464/15
& petitioner in Crl.OP.18465/15 &
Respondent in Tr.CMP.492/14 : Mr.R.Muniyapparaj

For Respondent in Crl.OP.18464/15
& respondents in Crl.OP.18465/15 : Mr.M.Purushothaman

For petitioner in Tr.CMP.492/14 : Mr.G.Magesh Kumar

C O M M O N O R D E R

For the sake of convenience, the parties will be referred to by their name. Rajarajan got married to Rashmi on 16.04.2012 and they have one daughter Jayashree. It appears that their marriage ran into rough weather and there are several litigations initiated by the parties against each other.

2. Rajarajan has filed HMOP.No.458 of 2013 on the file of Sub Court, Poonamallee for divorce. Rashmi has filed HMOP.No.3 of 2014 before the Sub Court, Chengalpet against Rajarajan for restitution of conjugal rights. Rashmi has filed MP.No.3 of 2015 before the learned District Munsif-cum-Judicial Magistrate, Thirukazhukundram against Rajarajan for maintenance under Section 125 Cr.P.C. Rashmi has filed Crl.M.P.No.6 of 2015 before the learned District Munsif-cum-Judicial Magistrate, Thirukazhukundram against Rajarajan under Section 12 of Domestic Violence Act.

3. While so, Rashmi filed Tr.CMP.No.492 of 2014 before this Court, seeking transfer of HMOP.No.458 of 2013 filed by Rajarajan which is pending on the file of Sub Court, Poonamallee, to be tried along with HMOP.No.3 of 2014 by the Sub Judge, Chengalpet. Rajarajan has filed Crl.OP.No.18464 of 2015 for transferring CMP.No.6 of 2015 filed by Rashmi before the learned District Munsif-cum-Judicial Magistrate, Thirukazhukundram to Judicial Magistrate, Poonamallee. Rajarajan has filed Crl.OP.No.18465 of 2015 for transferring MC.No.3 of 2015 filed by Rashmi before the learned Judicial Magistrate, Thirukazhukundram to the file of the Judicial Magistrate, Poonamallee.

4. On the order of the Hon'ble Portfolio Judge for Madras, Tr.CMP.No.492 of 2014, Crl.OP.Nos.18464 and 18465 of 2015 have been posted before this Court.

5. Heard Mr.Muniyapparaj, learned counsel for Rajarajan and Mr.D.Purushothaman appearing for Rashmi.

6. Mr.Muniyapparaj submitted the he has no objection for transfer of HMOP.No.458 of 2013 from the file of Sub Court, Poonamallee to the file of Sub Court, Chengalpet to be tried along with HMOP.No.3 of 2014 that has been filed by Rashmi.

7. Based on the facts obtaining in this case, I am of the view that it will serve the interest of justice, if all the cases are transferred and posted before the jurisdictional Courts in Chengalpet for the convenience of the parties. Accordingly, HMOP.No.458 of 2013 is transferred from the file of Sub Court, Poonamallee to the file of Sub Court, Chengalpet to be tried along with HMOP.No.3 of 2014. The learned Sub Judge, Poonamallee is directed to transfer the records in HMOP.No.458 of 2013 to the file of Sub Court, Chengalpet, within a period of four weeks, from the date of receipt of a copy of this order.

8. CMP.No.6 of 2015 is transferred from the file of District Munsif-cum-Judicial Magistrate, Thirukazhukundram to the file of Judicial Magistrate-I, Chengalpet. The District Munsif-cum-Judicial Magistrate, Thirukazhukundram is directed to transfer the records in CMP.No.6 of 2015 to the file of Judicial Magistrate-I, Chengalpet, within a period of four weeks, from the date of receipt of a copy of this order.

9. MC.No.3 of 2015 is transferred from the file of District Munsif-cum-Judicial Magistrate, Thirukazhukundram to the file of Judicial Magistrate-I, Chengalpet. The learned District Munsif-cum-Judicial Magistrate, Thirukazhukundram is directed to transfer the records in MC.No.3 of 2015 to the file of Judicial Magistrate-I, Chengalpet, within a period of four weeks, from the date of receipt of a copy of this order.

With the above direction, these petitions are ordered accordingly. Consequently, connected Miscellaneous Petitions are closed.

Sd/
ASSISTANT REGISTRAR (CS-VI)

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SUB-ASSISTANT REGISTRAR

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To

1.The Judicial Magistrate,
No.I, Chengalpat.

2.Do thro The Chief Judicial Magistrate,
Chengalpat.

3.The Judicial Magistrate,
No.I, Poonamalee

4.Do thro The Chief Judicial Magistrate,
Chengalpat.

5.The District Munsif cum
Judicial Magistrate, Thirukazhukundram.

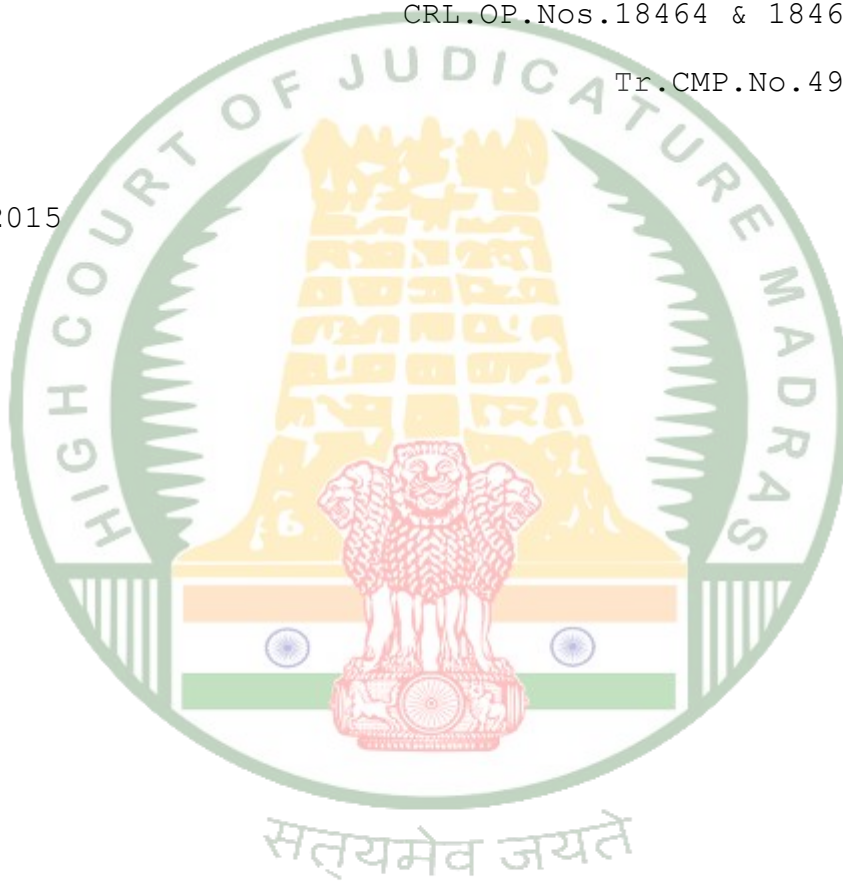
6.The Subordinate, Poonamallee.

7.The Principal Subordinate Judge,
Chengalpat.

+ 1 cc to Mr.G.Magesh Kumar, Advocate Sr 66782 (24/2/16)

CRL.OP.Nos.18464 & 18465 of 2015
and
Tr.CMP.No.492 of 2014

CO-MG
JD 28/12/2015



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