

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.19352 of 2016

and

Crl.M.P.No.9080 of 2016

R.Devanand

.. Petitioner

Vs

Rukmani @ Meera

..Respondent

Prayer:- Criminal Original Petition filed under Section 407 Cr.P.C. to withdraw maintenance case in M.C.No.126 of 2016 on the file of the I Additional Family Court, Chennai and transfer the same to the file of the III Additional Family Court, Chennai to be tried along with divorce petition in H.M.O.P. No.4754 of 2015 on the file of the III Additional Family Court, Chennai.

For Petitioner : Mrs.K.M.Nalinishree

For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

सतसमेव जयते
O R D E R

This petition has been filed seeking a direction to withdraw maintenance case in M.C.No.126 of 2016 on the file of the I Additional Family Court, Chennai and to transfer the same to the file of the II Additional Family Court, Chennai to be tried along with divorce petition in H.M.O.P. No.4754 of 2015 on the file of the III Additional Family Court, Chennai.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. For the sake of the convenience, the parties will be referred to by their name.

4. R.Devanand got married to one Rukmani @ Meera on 27.10.1997 and they have two children Akshay Anand and Ashreya Anand through the wedlock. It appears that the spouses had matrimonial dispute on account of which, they got estranged. R.Devanand has filed H.M.O.P. No.4754 of 2015 against Rukmani @ Meera for divorce under Section 13(1)(i-a) of the Hindu Marriage Act 1955, which is pending on the file of the III Additional Family Judge, Chennai. Rukmani @ Meera has filed M.C.No.126 of 2016 against R.Devanand under Section 125 Cr.P.C., which is pending on the file of the I Additional Family Judge, Chennai.

5. Under such circumstances, R.Devanand is before this Court for transfer of M.C.No.126 of 2016 from the file of the I Additional Family Court to the III Additional Family Court along with H.M.O.P. No.4754 of 2015 on the ground that there should not be conflicting orders. The ground on which this transfer application has been filed is indeed reasonable. However, it is open to R.Devanand to approach the Principal Judge, Family Court, Chennai to grant the same relief as prayed for in this petition.

6. Mrs.Nalinishree, learned counsel appearing for R.Devanand submitted that R.Devanand is in U.S.A and therefore, his presence before the Principal Family Court for filing the transfer application may be dispensed with.

7. Accepting the submission, the learned Principal Judge, Family Court, Chennai is directed to accept the transfer application to be filed by R.Devanand through his father and Power of Attorney Holder Mr.Ramachandran. The transfer application shall be filed within two weeks from the date of receipt of the copy of this order.

With the above direction, this petition is closed. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Principal Family Judge,
Principal Family Court, Chennai.

2. The Public Prosecutor, High Court, Madras.

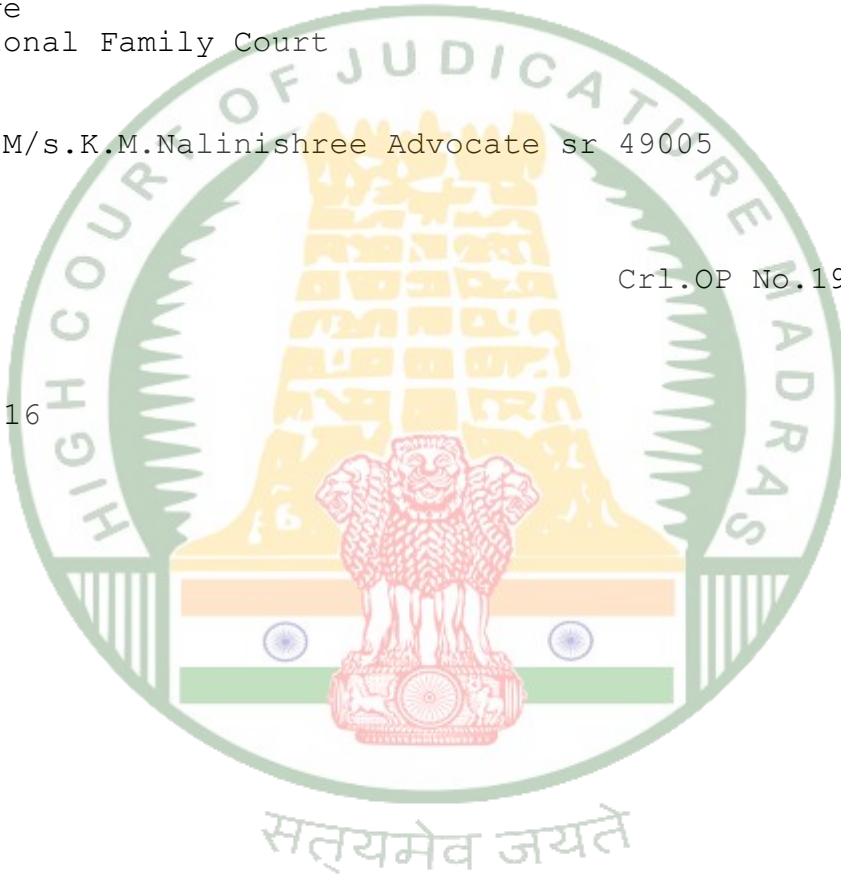
3.The Judge
Ist Additional Family Court,
Chennai

4.The Judge
III Additional Family Court
Chennai

+2 ccs to M/s.K.M.Nalinishree Advocate sr 49005

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