

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.6748 of 2016

S. Sridevi

... Petitioner

vs.

T. Srinivasan

... Respondent

Criminal Original Petition filed under Section 407 Cr.P.C. to withdraw the petition filed by the petitioner in M.C. No.45 of 2014 pending on the file of the Family Court, Pondicherry and transfer the same to the file of the Judicial Magistrate Court No.1, Panruti.

For petitioner Mr. R. Nalliyappan

For respondent Mr. S. Giritharan

O R D E R

This Criminal Original Petition is filed to withdraw the petition filed by the petitioner in M.C. No.45 of 2014, pending on the file of the Family Court, Pondicherry and transfer the same to the file of the Judicial Magistrate Court No.1, Panruti.

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

3 Sridevi got married to Srinivasan on 08.08.2005 and they have one child by name Sri Lakshmi Devi through the wedlock. On account of marital discord, the couple got estranged. Sridevi filed a petition under Section 125 Cr.P.C. in M.C. No.45 of 2014 before the Family Court, Puducherry against Srinivasan for maintenance. Sridevi has filed the present petition seeking transfer of M.C. No.45 of 2014 from the file of the Family Court, Puducherry to the file of the Judicial Magistrate Court No.I, Panruti, on the ground that she is now residing with her parents in Panruti and that she finds it very difficult to travel all the way from Panruti to Puducherry for the case.

4 Heard the learned counsel for Sridevi and the learned counsel for Srinivasan.

5 Today, Srinivasan is present and he submitted that Sridevi is not even showing their child Sri Lakshmi Devi to him, on account of which, he is indeed very depressed.

6 This Court is of the view that the parties may be referred to the Mediation and Conciliation Centre for arriving at an amicable settlement. However, on the suggestion made by this Court, Srinivasan was gracious enough to submit that he is ready to pay a sum of Rs.5,000/- as ad interim maintenance per month for the benefit of the child. His submission is recorded.

7 The learned counsel for Srinivasan also submitted that Srinivasan has no serious objection in the case being transferred to Panruti, provided he gets an opportunity to meet his child Sri Lakshmi Devi, to which, Sridevi also agreed.

8 Recording their submissions, M.C. No.45 of 2014 on the file of the Family Court, Pondicherry, is withdrawn and transferred to the file of the Judicial Magistrate Court No.I, Panruti.

9.1 The Family Court, Puducherry, is directed to send the entire case records in M.C. No.45 of 2014 to the file of the Judicial Magistrate Court No.I, Panruti, within a period of one week from the date of receipt of a copy of this order.

9.2 Srinivasan and Sridevi are directed to appear before the Judicial Magistrate-I, Panruti. Srinivasan is further directed to deposit a sum of Rs.5,000/- per month to the credit of the maintenance proceedings and on such deposit, Sridevi will be entitled to withdraw the same.

9.3 The Judicial Magistrate - I, Panruti, is directed to refer Sridevi and Srinivasan to the local Mediation and Conciliation Centre or the local Legal Services Authority for bringing about an amicable settlement between them.

9.4 Sridevi shall permit Srinivasan to have access to their child Sri Lakshmi Devi during the Court hearings and also during the process of mediation. It is open to the parties to work out their remedy in the manner known to law.

With the above directions, this Criminal Original Petition stands ordered accordingly.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1 The Judicial Magistrate No.1
Panruti
 - 2 The Presiding Officer,
Family Court,
Puducherry.
 - 3 The Public Prosecutor
High Court of Madras
Chennai 600 104
- +1cc to Mr.R.Nalliyappan, Advocate Sr.34634

Crl.O.P.No. 6748 of 2016

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srg 12/07/2016

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