

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.06.2017**

CORAM:

THE HONOURABLE MR. **JUSTICE K.K.SASIDHARAN**

Review Application No.6 of 2017

and CrI.O.P.No.26556 of 2016

Review Application No.6 of 2017

B.Loganathan : petitioner
versus

C.Alagu Rani : respondent

Petition filed to review the order passed in Tr.CMP No.593 of 2016 dated 23.11.2016.

CrI.O.P.No.26556 of 2016

B.Loganathan : petitioner
versus

1.L.Teranika (Minor)
rep. By her mother & Guardian
Alagu Rani

2.Alagu Rani : respondents

Petition filed to withdraw M.C.No.31 of 2016 on the file of the learned Judicial Magistrate, Kallakurichi, Villupuram District and transfer the same to the file of III Additional Family Court, Chennai.

For petitioner : Mr.S.Prabhakaran, Senior counsel
for Mr.V.Balaji

For respondents : Mr.K.S.Kumar

COMMON ORDER

The review petition is filed by the respondent in Tr.CMP No.593 of 2016, seeking review of the order dated 23 November 2016 transferring the matrimonial proceedings in HMOP No.3953 of 2014 from the file of the III Additional Family Court, Chennai, to the file of Subordinate Court, Kallakurichi in the District of Villupuram.

2. The proceedings in CrI.O.P.No.26556 of 2016 is filed by the respondent in M.C.No.31 of 2016, who is also the review applicant, to withdraw M.C.No.31 of 2016 from the file of the learned Judicial Magistrate, Kallakurichi and transfer the same to the file of III Additional Family Court, Chennai.

3. The parties to the proceedings arrived at a settlement in and by which, they have agreed for transfer of both the proceedings to the Courts at Tindivanam. The joint memo reads thus :-

“1. It is submitted that when the above review application filed by the husband came up for hearing on 28.06.2017 a consensus was arrived between the counsel for the applicant and the counsel for the respondent that though an order has been passed on 23.11.2016 in Tr.CMP No.593 of

2016, transferring HMOP No.3953 of 2014 (filed by the husband) from the file of III Additional Family Court to the Subordinate Court at Kallakurichy, they have now mutually agreed to get the case transferred to the Subordinate Court, Tindivanam.

2. It is submitted that the husband had filed Crl.OP.No.26556 of 2016 seeking transfer of MC No.31 of 2016 (filed by wife) from the Judicial Magistrate's Court, Kallakurichi to the III Additional Family Court, Chennai. The said Crl.OP has been taken up along with Review Appln.No.6 of 2017 (filed by the husband to review the order dated 23.11.2016 passed in Tr.CMP No.593 of 2016).

3. It is submitted that both the counsel for either parties representing their respective parties have mutually agreed to transfer HMOP No.3953 of 2014 (filed by the husband) from the file of III Addl. Family Court to the Subordinate Court, Tindivanam, and MC No.31 of 2016 (filed by wife) from the Judicial Magistrate's Court, Kallakurichi to the Judicial Magistrate's Court No.1 at Tindivanam.

It is therefore prayed that this Hon'ble Court may be pleased to accept this JOINT MEMO and transfer HMOP No.3953 of 2014 (filed by the husband) from the file of III Addl. Family Court to the Subordinate Court, Tindivanam and MC No.31 of 2016 (filed by wife) from the Judicial Magistrate's

Court, Kallakurichi to the Judicial Magistrate's Court No.1 at Tindivanam and thus render justice.”

4. I have heard the learned Senior counsel for the applicant in the Review petition and the petitioner in the original petition. I have also heard the learned counsel for the respondents in both the proceedings.

5. In view of the consensus arrived among the parties, the order dated 23 November 2016 in Tr.C.M.P.No.593 of 2016 is recalled.

6. The proceedings in HMOP No.3953 of 2014 is transferred to the file of the Subordinate Court, Tindivanam. Similarly, the proceedings in M.C.No.31 of 2016 is withdrawn from the file of the learned Judicial Magistrate No.1, Kallakurichi and transferred to the file of Judicial Magistrate No.1, at Tindivanam.

7. The petitioner is from Chennai. The respondent is from Kallakurichi. Since the parties have to appear before two Courts in connection with the matrimonial proceedings and the maintenance case, there shall be a direction to the Sub Court, Tindivanam, and the Judicial Magistrate No.1, Tindivanam, to post the respective matters on a particular

date. This would enable the parties to appear on the very same day on which both the proceedings are posted.

8. The learned Subordinate Judge Tindivanam, and the learned Judicial Magistrate No.1, Tindivanam are directed to dispose of the proceedings as expeditiously as possible.

9. The review petition and criminal original petition are disposed of with the above direction. No costs. Consequently, C.M.P.No.942 of 2017 and CrI.M.P.No.13312 of 2016 are closed.

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To

1. The Judicial Magistrate, Kallakurichi, Villupuram
2. The Sub Court, Tindivanam
3. The Judicial Magistrate No.1, Tindivanam

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K.K.SASIDHARAN, J.



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