

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Cr1.O.P.No.25239 of 2014

and M.P.No.1 of 2014

C.Kumareswaran ... Petitioner

Vs

K.Sathyapriya ... Respondent

Criminal Original Petition filed under Section 407 Cr.P.C. to transfer M.C.No.31 of 2013 pending on the file of the learned Judicial Magistrate No.II, Pollachi, to be tried along with the divorce petition case in H.M.O.P.No.800 of 2014 pending on the file of the Family Court, Coimbatore.

For Petitioner : Mr.S.Makesh
For respondent : No appearance.

ORDER

The present criminal original petition has been filed to transfer the case in M.C.No.31 of 2013 pending on the file of the learned Judicial Magistrate No.II, Pollachi, to the file of Family Court, Coimbatore, to be tried along with the divorce petition in H.M.O.P.No.800 of 2014.

2. It is the case of the petitioner that seeking divorce as against his wife, the respondent herein, he filed a petition in O.P.(HM) No.385 of 2013 before the Family Court, Thodupuzha. Subsequently, the respondent filed a maintenance case in M.C.No.31 of 2013 before the learned Judicial Magistrate No.II, Pollachi, and pending maintenance case, the petitioner has also filed a petition for restitution of conjugal rights before the Sub Court, Pollachi, in H.M.O.P.No.217 of 2013. Thereafter, as per the direction of the Hon'ble Supreme Court, O.P.(HM) No.385 of 2013 pending before the Family Court,

Thodupuzha, was transferred to the file of the Family Court, Coimbatore, and renumbered as H.M.O.P.No.800 of 2014. Admittedly, three cases are pending in different courts and it is very difficult for the petitioner to attend all the cases in different places. Hence, he has come forward with the present petition to transfer the case in M.C.No.31 of 2013 pending on the file of the learned Judicial Magistrate No.II, Pollachi, to the file of Family Court, Coimbatore, to be tried along with the divorce petition in H.M.O.P.No.800 of 2014.

3. Learned counsel appearing for the petitioner submitted that since the petitioner is residing at Kerala, it is very difficult for him to attend all the three cases, which are in different stages and in view of the same, he could not concentrate his business.

4. Though the respondent has been served and her name appears in the cause list, she has not chosen to appear before this Court either in person or through counsel, to refute the claim of the petitioner.

5. Considering the facts and circumstances of the case and considering the submission made by the learned counsel appearing for the petitioner, this Court is inclined to transfer M.C.No.31 of 2013 to the file of Family Court, Coimbatore.

6. Accordingly, the maintenance case in M.C.No.31 of 2013 pending on the file of the learned Judicial Magistrate No.II, Pollachi, is directed to be transferred to the file of Family Court, Coimbatore, to be tried along with the divorce petition in H.M.O.P.No.800 of 2014. The learned Judicial Magistrate No.II, Pollachi, is directed to send the bundle in M.C.No.31 of 2013 to the file of the Family Court, Coimbatore, forthwith. The criminal original petition is ordered accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

To

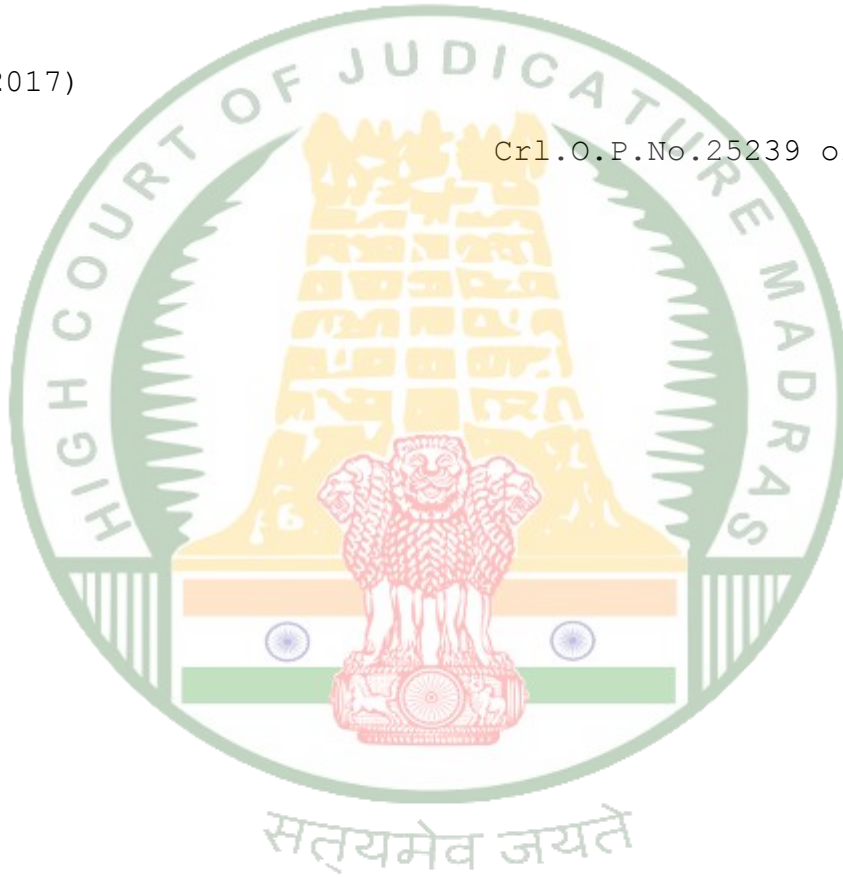
1.The Judge,
Family Court, Coimbatore.

2.The Judicial Magistrate No.II,
Pollachi.

+lcc to Mr.J. Makesh, Advocate, S.R.No.2142

ksk(CO)
md(27/01/2017)

Cr1.O.P.No.25239 of 2014



WEB COPY