



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.9350 of 2017
and
Crl.M.P.(MD)No.6349 of 2017

P.Muniyandi : Petitioner/Respondent

-Vs-

1.A.Subadra Devi
2.M.Monika Sree : Respondents/Petitioners

[Minor Monika Sree is represented by the 1st Petitioner as mother and natural guardian]

Prayer: Criminal Original petition filed under Section 407 of Code of Criminal Procedure, praying to withdraw the M.C.No.124 of 2016 on the file of the District Family Court at Madurai and transfer the same to Principal Sub Court at Madurai where connected H.M.O.P.No.496 of 2016 between the same parties is pending disposal.

For Petitioners : Mr.C.V.Kumar
For Respondents : M/s.I.Joshua

O R D E R

This petition is filed to withdraw the M.C.No.124 of 2016 on the file of the District Family Court at Madurai and to transfer the same to the Principal Sub Court at Madurai where connected H.M.O.P.No.496 of 2016 filed by the petitioner is pending.

2.It is stated that the petitioner is the husband and has filed a petition for restitution of conjugal rights in H.M.O.P.No.496 of 2016 before the Principal Sub Court, Madurai, as against the first respondent. The petitioner at present is residing in Chennai and that therefore, if the proceedings are in two different Courts, it would cause great prejudice and inconvenience to the petitioner.

3.The respondent has no serious objection for transferring the proceedings from the District Family Court, Madurai to the



Principal Sub Court, Madurai, so that the two proceedings can be simultaneously proceeded with.

4.However, the learned counsel appearing for the petitioner submitted that a further direction may also be given to the Principal Sub Judge, Madurai, to dispose of both the cases within a time framed fixed by this Court.

5.Having regard to the contention of the respective counsels and the facts and circumstances of the case, this Court is inclined to allow this petition. Hence, the proceedings in M.C.No.124 of 2016 which is pending on the file of the District Family Court at Madurai is transferred to the Principal Sub Court, Madurai, to be tried simultaneously along with H.M.O.P.No.496 of 2016. The Principal Sub Judge, Madurai is directed to expedite the trial and dispose of both the cases, namely, M.C.No.124 of 2016 (to be taken on file and renumbered) and H.M.O.P.No.496 of 2016, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, District Family Court,
Madurai.
2. The Principal Subordinate Judge,
Madurai.

+ 1 CC TO Mr.I.JOSHUA, ADVOCATE IN SR No. 77382
+ 1 CC TO Mr.C.V.KUMAR, ADVOCATE IN SR No. 77413

SRM

TE/MR-KKR/SAR-I : 20/09/2017 : 2P/5C

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