

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2013

CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.No.5452 of 2013

and

M.P.No.1 of 2013

Karthikeyan

...Petitioner

versus

1.Narmada Bobby

2.Minor Master K.Shailender

S/o.Karthikeyan,

2nd respondent rep. by

his mother and natural

guardian 1st respondent.

...Respondents

Criminal Original Petition filed under Section 407 of the Criminal Procedure Code to pass an order withdrawing the maintenance petition in M.C.No.244 of 2010 pending on the file of the first Additional Family Court, Chennai and transfer it to the Principal Sub-Court, Kumbakonam.

For Petitioner : Mr.N.R.Balaji Srinivasan

For Respondents : Dr.C.Ravichander

ORDER

This Criminal Original Petition has been filed to withdraw the maintenance petition in M.C.No.244 of 2010 pending on the file of the first Additional Family Court, Chennai and transfer it to the Principal Sub-Court, Kumbakonam.

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

3.The brief facts of the case are as follows:

(i)Karthikeyan got married to one Narmada on 24.04.2002 and they have one son by name Shailender. Their marriage was done into rough weather, resulting in, this spouse getting estranged. Narmada filed M.C.No.244 of 2010 under Section 125 Cr.P.C before the Family Court, Chennai against Karthikeyan claiming maintenance for herself and their son Shailendar.

(ii)Karthikeyan filed H.M.O.P.No.102 of 2010 before the Sub Court, Kumbakonam against Narmada seeking divorce. During the pendency of the proceedings, Karthikeyan filed the transfer petition for transferring M.C.No.244 of 2010 from the file of the Family Court, Chennai to Sub Court, Kumbakonam. At the outset, this petition was not maintainable for the simple reason that the Sub Court, Kumbakonam has no jurisdiction to deal with the petition under Section 125 of the Cr.P.C.

4.Dr.C.Ravichander, learned counsel for Narmada, the respondent submitted that Narmada filed Tr.C.M.P.(MD)No.101 of 2014 before this Court, in which, this Court by order dated 23.07.2014 has transferred H.M.O.P.No.102 of 2010 from the file of the Sub Court, Kumbakonam to the file of I Additional Family Court, Chennai.

In such view of the matter, nothing survives in this petition. Hence, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

cla

To

1.The Principal Subordinate Judge,
Kumbakonam.

2.I Additional Family Court,
Chennai.

+1cc to Dr.C.Ravichandran, Advocate SR.No.8501

CrI.O.P.No.5452 of 2013

GN(06/03/2018)