

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.28111 of 2017
and
CRL.M.P.Nos.15988 & 15989 of 2017

M.Durairaj

... Petitioner

Vs.

1.D.Bhuvaneshwari
2.D.Karthish

.... Respondents

Prayer : Criminal Original Petitions filed under Section 482 Cr.P.C. praying to withdraw the case in M.C.No.488 of 2016 on the file of the IV Additional Family Judge at Chennai and to transfer the same to the Family Court at Tiruvallur.

For Petitioner : Mr.M.Murali

For Respondents : No appearance

ORDER

The prayer sought for in the present petition is to withdraw the case in M.C.No.488 of 2016 on the file of the IV Additional Family Judge at Chennai and to transfer the same to the Family Court at Tiruvallur.

2. The learned counsel for the petitioner submits that the first respondent herein is a resident of Tiruvallur District and as such there is no cause of action before the learned Family Court at Chennai and also on the ground that both parties are residing within Tiruvallur District and hence it would be appropriate to transfer the proceedings to the Court in Tiruvallur.

3. With regard to the submissions that both parties are residing at Chennai, cannot be a ground for transfer of the proceedings. The second respondent herein is living in Chennai and it may be inconvenient for him to come to Tiruvallur to

attend the proceedings. Insofar as the ground that the petitioner and the second respondent are residing at Tiruvallur District, the same has been objected to by the learned counsel for the second respondent by relying upon some revenue documents that the petitioner is residing at Chennai. Taking into consideration these disputed facts, transfer of proceedings would not be appropriate.

4. In the result the Criminal Original Petition stands dismissed with liberty to the petitioner to raise these grounds before the jurisdictional trial court. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

nmm

To

1. The learned IV Additional Family Judge,
Chennai.
2. The Public Prosecutor
High Court, Madras.

+1 CC to Mr.M. Murali, Advocate sr 8974.

+2 Ccs to Mr.D. Shekhar, Advocate sr 8146.

CRL.O.P.No.28111 of 2017

SP(05/03/2018)

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