

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2018

C O R A M

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.No.17022 of 2013

and

M.P.No.1 of 2013

R.Venkatesan

... Petitioner

Vs.

1.Sundaravalli,
2.V.Tamizhkodi
3.V.Thamizhvani
4.V.Santhiya (Minor)
D/o.Thiru. Venkatesan.

4 petitioners rep. by her natural guardian
and mother the 1st petitioner herein. ... Respondents

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C, to transfer the case in Crl.M.P.No.210/2012 in M.C.No.6 of 2005 from the file of the Family Court, Pudhucherry to the file of the Judicial Magistrate, Panruti.

For Petitioner : No Appearance
For Respondents : Mr.Prakash Adiapadam

ORDER

The petitioner has filed the present petition to transfer the case in Crl.M.P.No.210 of 2012 in M.C.No.6 of 2005 from the file of the Family Court, Pudhucherry to the file of the Judicial Magistrate, Panruti.

2. The respondents had filed M.C.No.6 of 2005 before the Family Court, Pudhucherry claiming maintenance against the petitioner herein and the said petition was allowed by the Family Court, Pudhucherry. Subsequently, the respondents filed a petition in Crl.M.P.No.210 of 2012 in M.C.No.6 of 2005 praying to enhance the maintenance amount and the same is pending.

3. The main contention of the petitioner is that since the petitioner is working as wireman in the Tamil Nadu Electricity Board at Panruti and has also filed a divorce application in H.M.O.P.No.47 of 2012 before the Sub Judge, Panruti, the case in Crl.M.P.No.210 of 2012 in M.C.P.No.6 of 2005 on the file of Learned Judge, Family Court Pudhucherry

should be transferred to the file of the Judicial Magistrate Court, Panruti. His further contention is that since the traveling distance between Panruti and Pudhcherry is about 85 kilometers, he is unable to attend the Court for each and every hearing.

4. It is seen from the records that all the respondents are residing in Puducherry and they cannot be asked to travel 85 Kilometers to attend all hearings in a maintenance case in Crl.M.P.No.210 of 2012 in M.P.No.6 of 2005.

5. Mr.Prakash Adiapadam, learned counsel appearing for the respondents would contend that the present petitioner did not pay any amount towards maintenance till date and there is an arrears of Rs.12,00,000/-. In the facts and circumstances, I do not find any reason to allow the petition and hence, it is liable to be dismissed.

6. In the result, this criminal original petition is dismissed. However, the learned Judge, Family Court, Pudhucherry is directed to dispose of the case in Crl.M.P.No.210 of 2012 in M.C.No. 6 of 2005 within a period of three months from the date of receipt of a copy of this order.

7. With the above observations, this criminal original petition is dismissed. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

// True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

- 1.The Learned Family Court Judge,
Pudhucherry.
- 2.The Learned Judicial Magistrate Court,
Panruti.
- 3.The Public Prosecutor, High Court, Madras

+lcc to Mr.Prakash Adiapadam, Advocate SR.No.54900

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SMI/29.08.2018