



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE **P.RAJAMANICKAM**

CRL.OP.(MD) No.10764 of 2017

and

CRL.M.P.(MD)No.7373 of 2017

1.Pitchai
2.Chandrasekar

... Petitioners/Respondents

Vs.

Shanthabai Pitchai

... Respondent/Complainant

PRAYER: Criminal Original petition filed under Section 407 of Code of Criminal Procedure, to withdraw M.C.No.81 of 2017 on the file of Family Court, Trichy and transfer the same to the file of the Family Court, Madurai or any other Court.

For Petitioners : Mr.R.J.Karthick

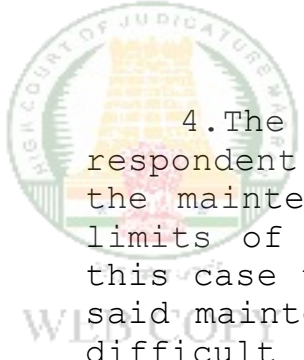
For Respondent : Mr.N.Mohan

ORDER

This criminal original petition has been filed by the respondent Nos.1 and 2 to transfer M.C.No.81 of 2017 from the file of the Family Court, Trichy to the Family Court, Madurai or any other Court.

2.The learned counsel for the petitioner has submitted that the first petitioner is the husband and the second petitioner is the son of the respondent. He further submitted that the first petitioner is aged about 83 years, he is bed ridden, he is not able to travel and hence the case in M.C.No.81 of 2017 may be transferred from the file of Family Court, Trichy to Family Court, Madurai.

3.The learned counsel for the respondent has submitted that the respondent is aged about 75 years and she is also having some ailments and if the case is transferred from Family Court, Trichy, to Family Court, Madurai, then it would be difficult for her to travel from Trichy to Madurai and therefore strongly opposed this petition.



4.The case in M.C.No.81 of 2017 has been filed by the respondent under Section 125 Cr.P.C. seeking maintenance. Normally the maintenance case shall be tried by a Court within the local limits of whose jurisdiction the petitioner resides. Further, in this case the respondent is a woman aged about 75 years and if the said maintenance case is transferred to Madurai, it would be very difficult for her to travel from Trichy to Madurai and therefore it would not be proper to transfer the said case to Family Court, Madurai.

5.Considering the aforesaid facts, this criminal original petition is dismissed. However, considering the age of the first petitioner, his personal appearance before the trial Court is dispensed with. Considering the age of the first petitioner and the respondent, the trial Court is directed to expedite the enquiry and dispose of the case in M.C.No.81 of 2017 as early as possible preferably within four months from the date of receipt of a copy of this order.

6.With the above said directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judge,
Famila Court, Trichy.
2. The Judge,
Family Court, Madurai.

+ 1 cc TO Mr.R.J.Karthick , Advocate in SR No. 48730
+ 1 cc TO Mr.N.Mohan , Advocate in SR No. 48575

gsp
AE/JC/SAR1/27.02.2018/2P/5C

CRL.OP.(MD) No.10764 of 2017
14.02.2018