

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2019

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.OP No.4807 of 2013 and
M.P.No.1 of 2013

A.Emmanuvel

... Petitioner

Vs.

E.Sagaya Mary

.... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to transfer M.C.No.17 of 2012 from the file of the learned Judicial Magistrate, Thiruvaiyaru, to the Family Court, Chennai.

For Petitioner : Mr.M.Thamizhavel

For Respondent : Notice served -
No Appearance

ORDER

This criminal original petition has been filed seeking to transfer M.C.No.17 of 2012 from the file of the learned Judicial Magistrate, Thiruvaiyaru, to the Family Court, Chennai.

2 The petitioner is husband and respondent is wife. The respondent has filed case in M.C.No.17 of 2012 before the learned Judicial Magistrate, Thiruvaiyaru and the husband is before this Court seeking transfer of the above case to Family Court, Chennai.

3 According to learned counsel appearing for the petitioner the petitioner is aged about more than 70 years and is bedridden and he could not travel from Chennai to Thiruvayara and therefore the case in M.C.No.17 of 2012 has to be transferred.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 It is seen that marriage between the petitioner and respondent was solemnized on 18.01.1978 at Thiruvaiyaru according to Christian Customs and Rites and due to wedlock, two children were born to them. The respondent/wife has filed case in M.C.No.17 of 2012 seeking maintenance from the petitioner/husband, which is now sought to be transferred. Despite service of notice, none appeared on behalf of the respondent. This Court without ascertaining the present stage of the petitioner, cannot order transfer of the case.

6 In the result, the criminal original petition is dismissed. Consequently connected miscellaneous petition is closed. However, it is sought by the petitioner that his presence may be dispensed with. The petitioner is at liberty to file a petition seeking dispense with before appropriate forum. If, such petition is filed by the petitioner, the Court below is directed to dispose of the same in accordance with law.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cgi

To

The Judicial Magistrate,
Thiruvaiyaru.

+1cc to Mr.M.Thamizhavel, Advocate Sr.96240

WEB COPY

Cr1.OP No.4807 of 2013 and
M.P.No.1 of 2013

mr[co]
srg 09/01/2020