

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2019

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.6822 of 2013 and
Cr1.M.P.No.1 of 2013

C.Selvaraj
S/o.Christudoss.

... Petitioner/Respondent

Versus

1.S.Malliga

2.Minor Kavin Rithees
Represented by Mother Natural Guardian
S.Malliga 1st respondent. ... Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the M.C.No.33 of 2012 pending on the file of the Family Court, Salem and transfer the same to the Judicial Magistrate-II, Nagarcoil.

For Petitioner : Mr.R.Subramoniam
For Respondents : No appearance

O R D E R

This Criminal Original Petition has been filed to transfer the M.C.No.33 of 2012 pending on the file of the Family Court, Salem to the file of the Judicial Magistrate Court No.II, Nagarcoil.

2.The learned counsel for the petitioner submitted that the petitioner is the respondent in M.C.No.33 of 2012, based on the complaint given by the 1st respondent herein before the Court below. He further submitted that the petitioner died on 30.03.2015, which fact was known to the respondent wife and he had produced the daily proceedings of that case in M.C.No.33 of 2012, dated 04.04.2016, is extracted here under:-

"This Case has been filed by the petitioner/wife as against the respondent/husband for claiming maintenance for herself and her minor children. During the pendency of the proceedings, since both parties were not present. For consecutive hearings from 11.04.2015 during the

stage of respondent side evidence, the same has been closed and the case has been posted for the appearance of the petitioner and for arguments. Since the petitioner has not appeared Court notice has been ordered and accordingly. She appeared before this Court today and reported that, the respondent died on 30.03.2015 itself. She filed the memo to that effect along with the death certificate of the respondent. On perusal of the death certificate it is seen that the respondent died on 30.03.2015 and his death has been registered with the Registrar of Birth and Death Velvachogostam South, Kappiarai Post, Kaniyakumari Dt. The death Certificate proves the death of the respondent and hence, this Court has no other option except to close of all other proceedings as against the respondent, since he is died. In the result, this petition is dismissed as respondent died."

3.In view of the above, nothing survives for adjudication in the above Criminal Original Petition and hence, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1.The Judge

Family Court, Salem.

2. The Judicial Magistrate II

Nagarcoil.

+1 CC to Mr.A.Ilayaperumal, Advocate sr 23041.

Cr1.O.P.No.6822 of 2013

NMI (CO)

SP(10/04/2019)