

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:08.04.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.7930 of 2018
and
Crl.M.P.No.4072 of 2018

Kuppusamy

...Petitioner

Vs.

Aruneshwari

... Respondent

PRAYER:Criminal Original Petition filed under Section 407 Cr.P.C. to transfer the case in F.C.M.C. No.3 of 2018 which has been filed by the respondent herein for maintenance in the Family Court, Dharmapuri and post the matter along with H.M.O.P.No.211 of 2017 filed by the petitioner for dissolution of marriage on the grounds of divorce pending before the Subordinate Court, Mettur.

For Petitioner : Mr.V.Balamurugane
For Respondent : Mr.K.Murugesan

ORDER

This Criminal Original Petition has been filed by the petitioner to transfer the case in F.C.M.C. No.3 of 2018 which has been filed by the respondent herein for maintenance in the Family Court, Dharmapuri and post the matter along with H.M.O.P.No.211 of 2017 filed by the petitioner for dissolution of marriage on the grounds of divorce pending before the Subordinate Court, Mettur.

2.The learned counsel for the petitioner would submit that the petitioner and the respondent were married on 30.10.2014. They have one girl child. The respondent was fighting and quarrelling with the petitioner for unknown reasons and harassed the petitioner and his family members. Hence, the petitioner filed a petition in H.M.O.P.No.211 of 2017 for dissolution of marriage on the ground of divorce before the Subordinate Court, Mettur following which the respondent filed a case in F.C.M.No.3 of 2018 for maintenance in Family Court, Dharmapuri in a motive to harass the petitioner. While the case being heard before the Dharmapuri Family Court, the respondent attempted to slap the

petitioner by her slippers and harassed the pet and the respondent's family members also gave life threat to the petitioner. Hence, the petitioner gave a complaint before the Inspector of Police, Dharmapuri to take action against the respondent and to protect and safeguard him while appearing before the Family Court, Dharmapuri, but no action against the complaint was taken till date. Hence, this petition.

3.Heard the learned counsel on either side.

4.Considering the facts and circumstances of the case and also in view of the order passed by this Court in Tr.CMP.No.938 of 2018 dated 05.03.2019, wherein, this Court allowed the transfer of H.M.O.P.No.211 of 2017 petition filed by the respondent / wife and thereby transferring the divorce petition in H.M.O.P.No.211 of 2017 pending on the file of Sub-Court, Mettur to Sub-Court, Omalur. This petition has been filed by the petitioner / husband seeking transfer of maintenance case in F.C.M.C.No.3 of 2018 pending on the file of the Family Court, Dharmapuri to the Sub-Court, Omalur. The learned counsel for the respondent has no objection in transferring the same.

5.Accordingly, this Criminal Original Petition stands allowed. F.C.M.C.No3 of 2018 pending on the file of the Family Court, Dharmapuri, is withdrawn and transferred to the Sub-Court, Omalur. On receipt of the same, the Sub-Court, Omalur is hereby directed to dispose of the same within a period of six months from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Judge,
Family Court
Dharmapuri

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2.The Subordinate Judge,
Mettur

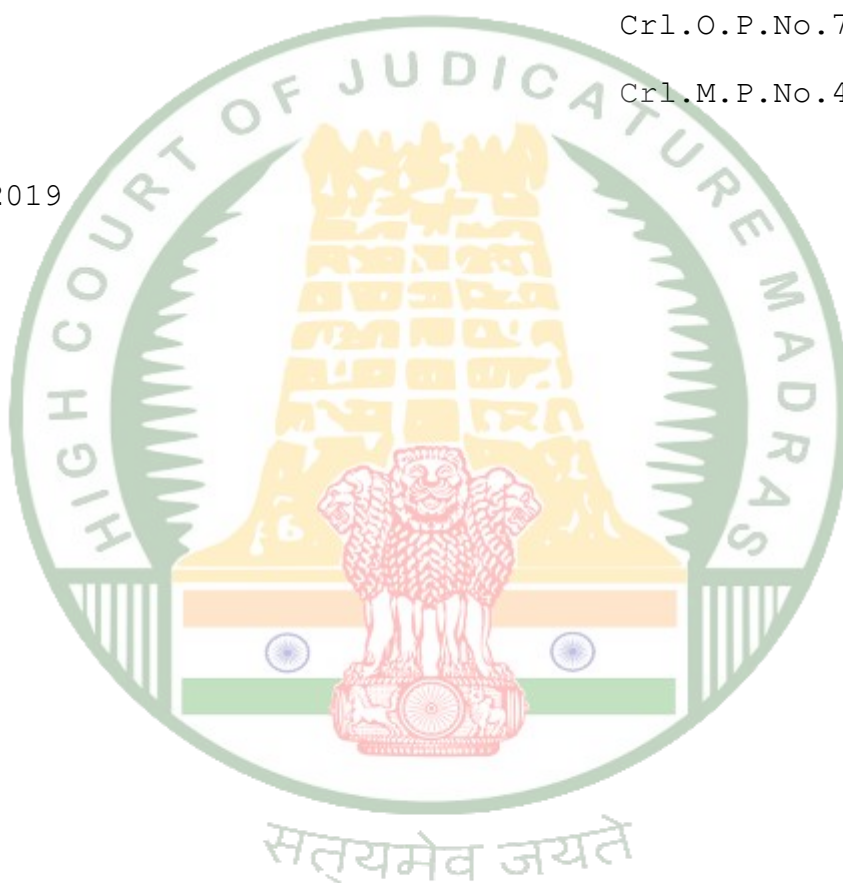
3.The Subordinate Judge,
Omalur

+1cc to Mr.K.Murugesan, Advocate sr.35094

+1cc to Mr.Muthukumaarasaamy, Advocate sr.34675

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