

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.18578 of 2018
and
CrI.M.P.No.9822 & 10857 of 2018

P.Palaniappan ... Petitioner/Respondent

Vs.

1.Subashini

2.Aarna

3.Aarav ... Respondents/Petitioners

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to withdraw and transfer the case in M.C.No.21 of 2018 from the file of the Chief Judicial Magistrate, Tanjore at Kumbakonam, Tanjore District to the file of Chief Judicial Magistrate, Thiruvannamalai, Thiruvannamalai District.

For Petitioner : Mr.C.Prakasam
For Respondents: Mr.S.Kasirajan

O R D E R

This petition has been filed for seeking transfer the case in M.C.No.21 of 2018 on the file of the Chief Judicial Magistrate, Tanjore at Kumbakonam, Tanjore District to the file of Chief Judicial Magistrate, Thiruvannamalai, Thiruvannamalai District.

2.The petitioner is the husband. The first respondent/wife filed maintenance case in M.C.No.21 of 2018 before the Chief Judicial Magistrate, Kumbakonam and it is pending for trial. In the meanwhile, the petitioner also filed HMOP.No.63 of 2018 on the file of the Sub-Court, Thiruvannamalai. He also filed G.W.O.P.No.05 of 2018 before the District and Sessions Court, Thiruvannamalai as against the first respondent.

3.It is also seen that the first respondent filed transfer CMP before this Court in Transfer CMP.Nos.679 & 594 of 2018

respectively, to transfer both the cases on the file of Sub-Court, Kumbakonam, Thanjavur District, the said petition was ordered by this Court by an order dated 09.10.2018. Thereby, the HMOP as well as GWOP have been withdrawn from the file of Sub-Court, Thiruvannamalai and District and Sessions Court, Thiruvannamalai respectively and transferred to the file of the Additional District & Sessions Court, Kumbakonam.

4. Therefore, the petitions filed by the petitioner have already been transferred to the Additional District and Sessions Court, Kumbakonam. Therefore, the prayer sought for in this petition cannot be entertained, since divorce petition as well as Guardian petition are pending before the Additional District and Sessions Court, Kumbakonam.

5. Considering the facts and circumstances, the petitioner is working at Chennai, therefore, the personal appearance of the petitioner is dispensed with and he shall be represented by a counsel after filing appropriate application. The petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C., and at the time of passing judgment.

6. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

AT

To

1. The Chief Judicial Magistrate,
Tanjore at Kumbakonam,
Tanjore District

2. The Chief Judicial Magistrate,
Thiruvannamalai,
Thiruvannamalai District.

+1 CC to Mr.C.Prakasam, Advocate sr 35264.

+1 CC to Mr.S.Kasirajan, Advocate sr 34456.

Cr1.O.P.No.18578 of 2018

GJ(CO)

SP(27/05/2019)