



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.07.2019
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

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Crl.O.P.No.16225 of 2019 &
Crl.M.P.No.8108 of 2019

M.K.Sridhar

... Petitioner

Vs.

1.S.Vasanthi alias Pandiyammal
Daughter of P.Balakrishnan

2.Minor S.Prasanna
Son of M.K.Sridhar
rep.by his mother S.Vasanthi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to withdraw and transfer the Maintenance Case in Crl.M.P.No.1794 of 2019 in M.C.No.3 of 2016 with entire records in M.C.No.3 of 2016 on the file of the Judicial Magistrate Court at Cheyyar, Thiruvannamalai District to the Judicial Magistrate Court No.I at Kanchipuram, Kanchipuram District.

For Petitioner : M/s.R.Anbalagan

For Respondents : Mr.B.Jawahar

O R D E R

This petition has been filed seeking for transfer of the petition filed by the respondents for enhancement of maintenance.

2.It is seen from the records that originally the respondents filed a maintenance case before the Judicial Magistrate Court, Cheyyar. In the said petition, an order was passed on 15.03.2016 fixing a sum of Rs.4,500/- p.m. as maintenance payable by the petitioner to the respondents. The respondents have now filed Crl.M.P.No.1794 of 2019 before the Judicial Magistrate Court, Cheyyar seeking for enhancement of maintenance.

3.The husband, who is the petitioner before this Court, has filed this petition for transfer on the ground that the respondents are now residing at Kanchipuram and already HMOP Nos.121 of 2016 and 198 of 2016 between the same parties, are



pending before the Sub Court, Kanchipuram. Therefore, the enhancement petition filed in CrI.M.P.No.1794 of 2019 can also be transferred to the Judicial Magistrate Court, Kanchipuram. According to the petitioner, it will enable the parties to attend the proceedings at Kanchipuram District itself and it will be convenient for both the parties.

4.The learned counsel for the respondents submitted that the respondents have a threat factor which prevents them from acceding to the request of the petitioner and therefore, the petition should not be transferred to the Judicial Magistrate Court, Kanchipuram.

5.The learned counsel further submitted that the respondents are represented by a counsel before the Subordinate Court, Kanchipuram, where the HMOPs are pending and if the enhancement petition is transferred to the Judicial Magistrate Court, Kanchipuram, the respondents will have to personally attend before the Court and since there is a threat perspective, it is very difficult for respondents to attend the case. Therefore, the learned counsel for the respondents seek for dismissal of this petition.

6.The fact remains that the respondents are residing at Kanchipuram. The first respondent is wife and the second respondent is the son. It will be more convenient for the respondents if all the proceedings are conducted at Kanchipuram District. It will be more difficult for the respondents to travel to Cheyyar every time for the purpose of conducting the proceedings. That apart, the first respondent is already contesting the HMOP case before the Sub Court, Kanchipuram.

7.Taking into consideration the interest of both the parties and the convenience of both the parties, this Court is of the considered view that the petition filed for enhancement of maintenance which is pending before the Judicial Magistrate Court, Cheyyar, can be withdrawn and transferred to the Judicial Magistrate I, Kanchipuram.

8.This Criminal Original Petition is disposed of with a direction to the Judicial Magistrate Court, Cheyyar, to immediately transfer the entire case records to the file of the Judicial Magistrate I, Kanchipuram within a period of four weeks from the date of receipt of a copy of this order. Immediately on receipt of the case records, the Judicial Magistrate I, Kanchipuram, shall proceed further with the petition and complete the proceedings, within a period of three months thereafter. The respondents shall be represented by a counsel before the Judicial Magistrate I, Kanchipuram and their presence shall be required only during important hearings.



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9.This Criminal original petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar(J)

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Sub Assistant Registrar

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To

1.The Judicial Magistrate Court
at Cheyyar,
Thiruvannamalai District.

2.The Judicial Magistrate Court I
at Kanchipuram,
Kanchipuram District.

+1cc to M/s.R.Anbalagan, Advocate sr.58366

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pm(co)
nr 01/08/2019