

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.03.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11853 of 2017 and
Crl.M.P.No.7771 of 2017

V.S.Keerthana

... Petitioner

Vs.

Bharath Sundarraman

... Respondent

Prayer : Criminal Original Petition filed under Section 407 Cr.P.C. praying to withdraw the case in M.C.No.150 of 2017 pending on the file of II Additional Family Court, Chennai and transfer the same to the file of Family Court, Erode.

For Petitioner : Mr.K.C.Karl Marx

O R D E R

This petition has been filed to withdraw the case in M.C.No.150 of 2017 pending on the file of II Additional Family Court, Chennai and transfer the same to the file of the Family Court, Erode.

2. The learned counsel for the petitioner would submit that the petitioner has filed a maintenance petition in M.C.No.150 of 2017 on the file of the II Additional Family Court, Chennai as against her husband / the respondent. He further submits that earlier the same petitioner approached this Court in Tr.C.M.P.Nos.421 & 525 of 2017 for transfer of O.P.Nos.201 and 1903 of 2017 pending on the file of the learned Principal Family Court, Chennai, wherein this Court passed an order on 16.03.2018 to transfer the said O.P.'s to the file of the Family Court, Erode. He further submits that since the O.P.Nos.201 and 1903 of 2017 are now pending on the file of the Family Court, Erode, the petitioner has filed this petition to transfer also the petition in M.C.No.150 of 2017 pending on the file of the II Additional Family Court, Chennai to the file of the learned Family Court, Erode.

3. It is seen that this Court had earlier passed an order on 16.03.2018 in Tr.C.M.P.Nos.421 & 525 of 2017 transferring the O.P.Nos.201 and 1903 of 2017 to the file of the Family Court, Erode. It is also seen that the maintenance petition in M.C.No.150 of 2017 is pending on the file of the learned II Additional Family Court, Chennai, which is sought to be transferred. This Court is of the opinion that it is not

appropriate to conduct trial in M.C.No.150 of 2017 alone by the learned II Additional Family Court, Chennai while the O.P.Nos.201 and 1903 of 2017 has already been transferred to the file of the Family Court, Erode. Hence, this Court is inclined to allow the prayer sought for by the petitioner.

4. Accordingly this criminal original petition is allowed and the entire proceedings in M.C.No.150 of 2017 is hereby withdrawn from the file of the learned II Additional Family Court, Chennai and the same is transferred to the file of the Family Court, Erode. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

lok
To

- 1.The II Additional Judge,
II Additional Family Court,
Chennai
- 2.The Judge ,
Family Court, Erode.

+1cc to Mr.K.C.Karl Marx , Advocate SR.No. 29600

Cr1.O.P.No.11853 of 2017 and
Cr1.M.P.No.7771 of 2017

A.SK(07/06/2019)

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