

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.17109 of 2017 and CrI.MP No.10512 of 2017

M.Ramasamy

...Petitioner

Vs.

1. Tmt.R.Rajamathi Chitra
2. Minor Dhanusiya

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to withdraw the M.C.No.16 of 2016 pending on the file of learned Judicial Magistrate No.II, Poonamallee and transfer the same to the learned Family Court, Thiruvallur.

For Petitioner : Mr.A.Rajesh Kanna

ORDER

This Criminal Original Petition has been filed seeking for transfer of proceeding pending in M.C.No.16 of 2016, on the file of the learned Judicial Magistrate No-II, Poonamallee to the learned Family Court, Thiruvallur.

2. The learned counsel for the petitioner submitted that the respondent has already obtained an ex-parte order in the divorce petition in H.M.O.P.No.169 of 2002 and the marriage has been dissolved. That apart, there is Guardian Original Petition has been filed by the petitioner against the respondent and the same is pending in Guardian O.P. No.157 of 2015 before the learned Family Court Thiruvallur. The learned counsel further submitted that the M.C Proceedings is pending before the learned Judicial Magistrate II, Poonamallee and this proceedings can also be transferred to the Family Court.

3. Heard the learned counsel appearing for the respondents.

4. Admittedly, the 1st respondent is attending to the proceedings before the learned Family Court, Thiruvallur in the Guardian original petition. If both the cases are heard by the

same Court, it will be more convenient for the parties and there will be no multiplicity of proceedings. The 1st respondent, who is residing at Avadi will find it easier to come to the Family Court at Thiruvallur.

5. In view of the above, the proceedings in M.C.No.16 of 2016 pending on the file of learned Judicial Magistrate No.II, Poonamallee is withdrawn and transferred to the file of the learned Family Court, Thiruvallur. The case records shall be transferred from the learned Judicial Magistrate, Poonamallee to the file of learned Family Court, Thiruvallur, within a period of two weeks from the date of receipt of copy of this order. The learned Family Court, Thiruvallur shall thereafter complete the proceedings within a period of three months.

6. Accordingly, this Criminal Original petition is allowed. Consequently, the connected miscellaneous is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rka

To

1. The Judicial Magistrate No.II,
Poonamallee.
2. The Family Court, Thiruvallur.

+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.53049

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.43120

Cr1.O.P.No.17109 of 2017

PA(CO)
CS/29/07/2019

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