

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.01.2019

CORAM:
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
CRL.O.P.No.23930 of 2018

K.Maheswari

... Petitioner

Vs.

Guptha Rajan

...Respondent

PRAYER: Criminal Original Petition filed under Section 407 of Cr.P.C, praying to order to transfer the case in M.C.No.7 of 2012 pending on the file of Judicial Magistrate, Cheyyar to the Family Court at Vellore, Vellore District.

For Petitioner : Mr.P.A.Sudesh Kumar

For Respondent : M/s.B.Jawahar
and B.Yogapriya

O R D E R

This Criminal Original Petition has been filed seeking to transfer the proceedings in M.C.No.7 of 2012, on the file of the Judicial Magistrate at Cheyyar to the file of the Family Court, Vellore.

2. The learned counsel for the petitioner would submit that all the other proceedings between the parties is pending before the Family Court, Vellore and therefore the maintenance case proceedings can also be transferred to the Family Court, Vellore, and it will be more convenient for all the parties.

3. The learned counsel for the respondent would submit that the Maintenance Case proceedings itself has come to an end on 31.03.2016 by virtue of the final orders passed by the Judicial Magistrate Court, Cheyyar, fixing the monthly maintenance payable by the respondent at the rate of Rs.5,000/- (Rupees Five Thousand Only) per month. Therefore, the learned counsel would submit that when the Maintenance Case itself has come to an end, there is no question of transferring the same to any other Court.

4. In reply to the said submission, the learned counsel for the petitioner would submit that every time a petition is filed for enforcement or enhancement of the maintenance, the petitioner is made to go to Judicial Magistrate Court, Cheyyar, and file a petition. This can be avoided by transferring the proceedings to the Family Court, Vellore.

5. The relief as sought for by the petitioner cannot be granted by this Court, in view of the fact that the maintenance case proceedings itself has come to an end on 31.03.2016. The subsequent petitions that have been filed by the petitioner are for the purpose of enforcement of the said order in order to recover the arrears of maintenance from the respondent. Therefore, there is no question of transferring the proceeding which has already come to an end in the year 2016 itself.

6. In view of the above, this Court does not find any ground to transfer the proceedings. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mm/ub

To

1.The Judicial Magistrate,
Cheyyar.

2.The Family Court,
Vellore.

+1cc to Mr.P.A.Sudesh Kumar, Advocate, S.R.No.778

CRL.O.P.No.23930 of 2018

SR(CO)

RRS (29/01/2019)

सत्यमेव जयते

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