

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL. O.P. No.23478 of 2018

J. Wesly Raj

... Petitioner

-vs-

1. V.S. Gladys Kezia

2. Minor Aarthi, rep. by her Mother
and Natural Guardian V.S. Gladys Kezia ... Respondents

Prayer:- Criminal Original Petitions filed under Section 408 of Cr.P.C., seeking to withdraw the M.C. NO.27 of 2014 along with connected applications from the file of Judicial Magistrate, Tambaram and transfer the same to the file of V Addl. Judge, Family Court, Chennai where connected O.P. No.3970 of 2013 is pending.

For Petitioner : Mr. K. Gajendiran

For Respondents : No Appearance

O R D E R

The Criminal Original petition has been filed to transfer the maintenance case in M.C. No.27 of 2014 on the file of Judicial Magistrate, Tambaram filed by the respondent herein, to the file of IV Addl. Judge, Family Court, Chennai where connected O.P. No.3970 of 2013 filed by the petitioner is pending.

2. Heard the learned counsel for the petitioner and there is no representation on behalf of the the respondents.

3. It is seen from the order dated 17.12.2018 in Tr. C.M.P. No.708 of 2018 which has been produced by the learned counsel for the petitioner before this Court that the same petitioner has filed the aforesaid petition seeking for transfer the petition in IDOP No.41 of 2018 filed by his wife/respondent herein on the file of Family Court, Chengalpattu, seeking for restitution of conjugal rights, to the file of IV Additional Family Court, Chennai to be tried along with connected O.P.

No.3970 of 2013, which has been filed by the petitioner for the relief of divorce, wherein this Court has directed the learned Judge, Family Court Chengalpet, to transmit all the records pertaining to IDOP No.41 of 2018 to the file of IV Additional Family Court, Chennai, within a period of two weeks from the date of receipt of copy of this order and on receipt of such records, to dispose the case within a period of six weeks.

4. Now, the petitioner has filed this petition seeking for to transfer the maintenance case in M.C. No.27 of 2004 along with connected applications filed by the respondent herein on the file of the Judicial Magistrate, Tambaram, to the file of the IVth Additional Family Court, Chennai.

5. In view of the order passed by this Court and considering the facts and circumstances of this case, the Criminal Original petition is allowed. The Judicial Magistrate, Tambaram is directed to transfer the M.C. No.27 of 2014 along with connected petitions, to the file of IV Additional Judge, Family Court, Chennai within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the learned Judge, IV Additional Family Court, Chennai is directed to complete the trial in M.C. No.27 of 2014 within a period of three months.

Sd/-
Deputy Registrar (C.S)

//True Copy//

Sub Assistant Registrar

lbm

To

1) The Judicial Magistrate,
Tambaram

2) The IV Additional Judge,
Family Court, Chennai

+1 cc to Mr.K.Gajendran, Advocate, S.R.No.34660

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GJ(CO)
SSM(12/06/2019)