



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

WEB COPY

CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.17496 of 2017
and
Crl.M.P.(MD) No.11484 of 2017

1) Mrs.Juliet

2) Roshni

... Petitioners/Respondents

Vs.

F.Barnabas

... Respondent/ Petitioner

PRAYER: Criminal Original Petition is filed under Section 407 read with 482 of Cr.P.C. to withdraw the Maintenance Claim Petition filed by the respondent, under Section 125 of Code of Criminal Procedure in M.C.No.29 of 2017 from the file of the Family Court, Dindigul and transfer the same to the file of the Judicial Magistrate-II, Hosur.

For Petitioners : Mr.P.M.Vishnuvarthanan

For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed seeking for the transfer of the maintenance case filed by the respondent against the petitioners.

2. The respondent, who is the husband of the first petitioner, has filed the maintenance case against the petitioners seeking for monthly maintenance. The first petitioner is the wife of the respondent and the second respondent is the daughter of the respondent and both of them are residing at Hosur, Krishnagiri District.

3. The transfer petition has been filed mainly on the ground that both the petitioners are ladies and they will not be able to travel to Dindigul to prosecute the maintenance case and therefore, they have sought for the transfer of the case to the file of the learned Judicial Magistrate, Hosur.



4. Heard the learned counsel for the petitioners. The respondent has been served with notice and his name is also printed in the cause list but there is no appearance for the respondent.

5. Taking into consideration the facts of the case, this Court is inclined to transfer the case pending in M.C.No.29 of 2017. The case is withdrawn from the Family Court, Dindigul and transferred to the file of the learned Judicial Magistrate - II Hosur. The Family Court, Dindigul shall transfer the entire case papers to the learned Judicial Magistrate - II Hosur, within a period of two(02) weeks from the date of receipt of a copy of this order. The learned Judicial Magistrate - II Hosur immediately on receipt of the case papers, shall renumber the petition and shall complete the proceedings within a period of three(03) months thereafter.

6. With these directions, this Criminal Original Petition is allowed. No costs. Consequently, connected Crl.M.P.(MD) No.11484 of 2017 is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1)The Judge,
Family Court,
Dindigul.

2) The Judicial Magistrate-II,
Hosur.

3) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-89733[F] dated 26/09/2019)

Crl.O.P. (MD) .No.17496 of 2017

Dated:

25.09.2019

KK/SAR/22.10.2019/2P-5C/