

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM:

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

Crl.O.P.No.2905 of 2020

Leena Helene @ Amalorpavamery

... Petitioner

Vs.

Peter Louis

... Respondent

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to withdraw the case in M.C.No.39 of 2018 on the file of Judicial Magistrate Court, Tiruchengodu and transfer the same to the Family Court, Salem.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.Gunasekaran
for M/s.I.Abrar Md. Abdullah

O R D E R

This petition has been filed to transfer the case in M.C.No.39 of 2018 on the file of Judicial Magistrate Court, Tiruchengodu and transfer the same to the Family Court, Salem.

2. The learned counsel for the petitioner would submit that the petitioner is wife of the respondent herein and the marriage between them was solemnized as per Christian Rites and Customs on 15.09.2011 at Punidha Fathima Church, Krishnagiri. Thereafter, due to misunderstanding, they got separated and she was driven out to the matrimonial home. Therefore, she went to her parents house at Tiruchengodu, Namakkal and filed maintenance case as against the respondent in M.C.No.39 of 2018 before the learned Judicial Magistrate, Tiruchengodu.

3. In fact, even before filing the maintenance case, the respondent has filed divorce petition in IDOP No.11 of 2015 on the file of the Principal District Court, Krishnagiri. Thereafter, the petitioner sought for transfer of divorce petition from the file of Principal District Court to the Family Court, Salem in Tr.C.M.P.No.266 of 2015 before this Court.

4. This Court, vide its order dated 24.06.2015 transferred the divorce petition filed by the respondent in IDOP No.11 of 2015 from the file of Principal District Court to the Family Court, Salem and it is pending for trial.

5. Now, the petitioner seeks transfer of her maintenance case from the file of Judicial Magistrate Court, Tiruchengodu to the file of Family Court, Salem, so that the petitioner and the respondent can appear before the trial Court. It is also seen that the respondent residing at Krishnagiri and already his divorce petition in IDOP No.11 of 2015 has been transferred to the file of Family Court, Salem and it is pending for trial.

6. Considering the above facts and circumstances, this Court is inclined to transfer the maintenance case from the file of Judicial Magistrate Court, Tiruchengodu to the file of Family Court, Salem.

7. Accordingly, the maintenance case in M.C.No.39 of 2018 on the file of Judicial Magistrate Court, Tiruchengodu is hereby withdrawn and the same is transferred to the file of the Family Court, Salem and on receipt of the entire bundle, the Family Court, Salem, is directed to dispose the maintenance case in M.C.No.39 of 2018 within a period of six months from the date of receipt of the maintenance case.

8. Accordingly, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judge,
Family Court, Salem.
2. The Judicial Magistrate Court,
Tiruchengodu.

Cr1.O.P.No.2905 of 2020

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srg 24/09/2020