

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM:

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

Cr1.OP.No.4027 of 2020

1.Gomathi
2.K.Harani
3.K.Srihari

.. Petitioners

-vs-

C.Kalaivannan

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to withdraw the M.C.No.10 of 2018 from the file of the Judicial Magistrate Court, Thiruvottiyur and transfer the same to the file of the 2nd Additional Family Court, Chennai.

For Petitioners : M/s.C.Shyaamala
For Respondent : No Appearance

ORDER

This petition has been filed for seeking transfer of the case in M.C.No.10 of 2018 from the file of the Judicial Magistrate Court, Thiruvottiyur and transfer the same to the file of the 2nd Additional Family Court, Chennai.

2.The learned counsel appearing for the petitioners would submit that though the petitioners are residing at Thiruvottiyur and filed a maintenance case before the Judicial Magistrate Court, Thiruvottiyur in M.C.No.10 of 2018, while the husband of the 1st petitioner herein filed a divorce petition on the ground of cruelty in HMOP No.625 of 2015 on the file of the 2nd Additional Family Court, Chennai and it is pending. Therefore, the petitioners as well as the respondent could not able to appear before the family Court as well as the Magistrate Court and as such in both the Courts, the trial is pending.

3. Now, the learned counsel for the petitioners would submit that if the maintenance case is transferred to the family Court, it is convenient for the petitioners to attend both the proceedings. The maintenance case in M.C.No.10 of 2018 is hereby withdrawn from the file of the Judicial Magistrate Court, Thiruvottiyur and transferred the same to the file of the 2nd Additional Family Court, Chennai. Further, the 2nd Additional Family Court, Chennai, is directed to have trial in

both the proceedings and complete the same within the period of twelve months from the date of receipt of copy of this order.

4.With the above direction, this Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

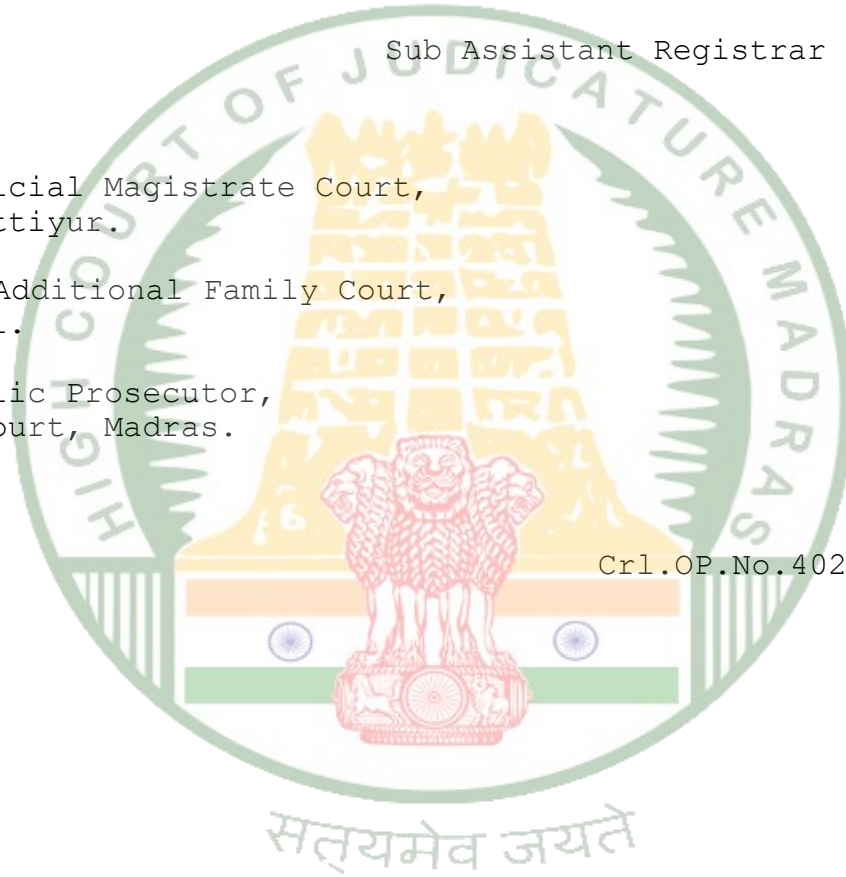
1.The Judicial Magistrate Court,
Thiruvottiyur.

2.The 2nd Additional Family Court,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

Rji(co)
krd 23/11

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