

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM:

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

Cr1.O.P.No.5687 of 2020

and

Cr1.M.P.Nos.3227 and 3229 of 2020

Tamizhina Venthan ... Petitioner/Respondent

Vs.

Muthu Kavitha ... Respondent/Petitioner

Prayer: Criminal Original Petition filed under section 407 of Criminal Procedure Code, to withdraw the case in M.C.No.17 of 2019 pending on the file of the Additional Mahila Court, Alandur and transfer the same to the First Additional Judge, Family Court, Chennai.

For Petitioner : Mr.J.Titus Enock

For Respondent : No Appearance

O R D E R

This petition has been filed to to withdraw the case in M.C.No.17 of 2019 pending on the file of the Additional Mahila Court, Alandur and transfer the same to the First Additional Judge, Family Court, Chennai.

2. It is seen that the petitioner is the husband of the respondent herein. After their marriage, there was a strained relationship between them and as such, they got separated. The petitioner is residing at Tirunelveli and filed the divorce petition in HMOP No.54 of 2018 on the file of the Family Court, Tirunelveli for seeking divorce for the marriage between them is void. While pending the same, the respondent herein filed the transfer CMP before the Madurai Behcn of Madras High Court, Madurai, and the same was allowed and the divorce petition filed by the petitioner herein has been transferred to the file of I Additional Family Court and re-numbered as HMOP No.634 of 2019 and it is pending for trial. After trial, the fast track court transferred the same to Family Court, Chennai, the respondent has filed a petition under Section 125 of Cr.P.C., in M.C.No.17 of 2019 on the file of I Additional Mahila Court, Alandur. Now, the petition seeks transfer of maintenance case to the Family Court, Chennai. So,

the petitioner and the respondent are easily attend the court proceedings and proceed with the trial.

3. Considering the above facts and circumstances, and also it is seen that already on the request made by the respondent herein, the divorce petition has been transferred to the file of I Additional Family Court, Chennai from the file of Family Court, Tirunelveli. Therefore, this Court is inclined to transfer the maintenance case. Accordingly, the maintenance case filed by the respondent in M.C.No.17 of 2019 is hereby withdrawn from the file of I Additional Mahila Court, Alandur and transferred to I Additional Family Court, Chennai. On receipt of the entire bundle, the I Additional Family Court, Chennai is directed to complete the trial in M.C.No.17 of 2019 and also in HMOP No.634 of 2019 within a period of 12 months from the date of receipt of the said case.

4. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Additional Mahila Court,
Alandur.
2. The First Additional Judge,
Family Court,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

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CrI.O.P.No.5687 of 2020
and
CrI.M.P.Nos.3227 and 3229 of 2020

VS(CO)
CB(30/09/2020)