

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2020

CORAM:

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

Crl.O.P.No.6054 of 2019

and

Crl.M.P.No.3378 of 2019

S.Alagar Raja

S/o.S.Srinivasan,

No.3/9/108, Nehruji Street, Main Road,

Lakshmipuram, Periyakulam,

Theni District

...Petitioner

Vs.

1. S.Hemamala

D/o.Srinivasan

2. A.Rithanya

D/o.S.Alagar Raja

[represented by her mother
and natural guardian, S.Hemamala]

...Respondents

Prayer: Criminal Original Petition filed under section 407 of Criminal Procedure Code, to transfer the M.C.No.47 of 2019 from the file of the IV Additional Family Court, Chennai to the Judicial Magistrate Court, Chengalpet.

For Petitioner : Mr.M.Baskaran

For Respondents : Mr.D.Johnsamuel

O R D E R

This petition has been filed by the petitioner to transfer the M.C.No.47 of 2019 from the file of the IV Additional Family Court, Chennai to the Judicial Magistrate Court, Chengalpet.

2. Learned counsel for the petitioner would submit that the petitioner and the first respondent are husband and wife, after their wedlock due to misunderstanding they got separated. The petitioner filed a divorce petition in H.M.O.P.No.55 of 2018 on the file of Sub-Court, Periyakulam. Thereafter, the first respondent filed a transfer petition in Tr.C.M.P.No.870 of 2018, thereby, the divorce petition in H.M.O.P.No.55 of 2018 has been

transferred to the file of Sub-Court, Chengalpet. Again, the first respondent filed a Maintenance petition in M.C.No.47 of 2019 before the IV Additional Family Court, Chennai and it is pending. Now, the first respondent is attending the Court in H.M.O.P.No.55 of 2018 on the file of the Sub-Court, Chengalpet. Therefore, it is also convenient if the maintenance case is transferred to Magistrate Court, Chengalpet.

3. Learned counsel for the respondent submitted that the first respondent / wife has a minor girl child, therefore, she is not able to reach the Magistrate Court, Chengalpet for each and every hearing along with her minor child. The respondents are residing at Villivakam, Chennai, it is very easy for them to attend the Court at IV Additional Family Court, Chennai.

4. It is seen that the petitioner and the first respondent are husband and wife, due to misunderstanding between them, they got separated and the petitioner filed a Divorce petition in H.M.O.P.No.55 of 2018 before the Sub-Court, Periyakulam. Thereafter, the first respondent filed a transfer petition in Tr.C.M.P.No.870 of 2018 and the divorce petition filed by the husband has been transferred to the file of Sub-Court, Chengalpet and it is pending for trial. Thereafter, the first respondent filed a maintenance case in M.C.No.47 of 2019 on the file of IV Additional Family Court, Chennai and it is pending for trial. Now, the first respondent and minor child are living at Villivakam, Chennai. Therefore, it is very difficult for them to appear before the Sub-Court, Chengalpet for each and every hearing.

5. Considering the submissions and also the facts and circumstances, this Court is not inclined to transfer the proceedings from the file of IV Additional Family Court, Chennai to the Judicial Magistrate Court, Chengalpet. Therefore, this petition is devoid of merits and dismissed. However, the IV Additional Family Court, Chennai is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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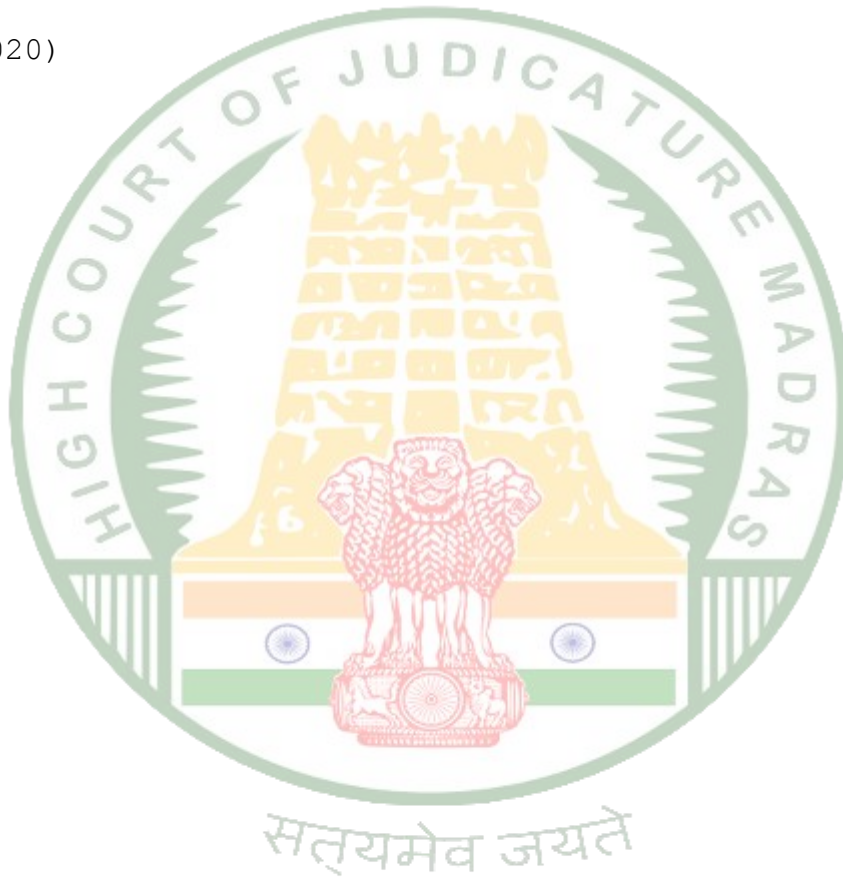
Sub Assistant Registrar

To

The IV Additional Family Court,
Chennai.

Crl.O.P.No.6054 of 2019
and
Crl.M.P.No.3378 of 2019

ajs (co)
rv (29/9/2020)



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