

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5732 of 2020
and
Crl.MP.No.3245 of 2020

E.ManoharanPetitioner/Respondent

Vs.

Gajalakshmi Respondent/petitioner

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., seeking to withdraw the MC.No.8 of 2020, on the file of the Family Court, Cuddalore and to transfer the same to the Family Court, Pondicherry for trial.

For Petitioner : Mr.K.Rangesh

For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed to withdraw the MC.No.8 of 2020, on the file of the Family Court, Cuddalore and to transfer the same to the Family Court, Pondicherry, for trial.

2. The learned counsel for the petitioner would submit that the petitioner is the husband of the respondent herein. They got married on 11.12.2014. Due to strained relationship, the respondent left the matrimonial home and deserted the petitioner. Therefore, the petitioner filed a petition for divorce on the ground of desertion before the Family Court, Chengalpet in FCOP.No.136 of 2019 and the respondent filed Transfer Civil Miscellaneous Petition in Tr.CMP.No.661 of 2019 before this court and this court, by an order dated 30.10.2019 has directed to transfer the divorce petition from the file of Family Court, Chengalpet to the file of Family Court, Pondicherry and it is pending for trial before the Family Court, Pondicherry.

3. While being so, the respondent also filed maintenance case under Section 125 of Cr.P.C as against the petitioner in MC.No.8 of 2020 on the file of the Family Court, Cuddalore.

4. Since already divorce petition filed by the petitioner is pending before the Family Court, Pondicherry and

as such, he sought for transfer of maintenance case on the file of the Family Court, Cuddalore to the file of the Family Court, Pondicherry.

5. Though notice served to the respondent and her name also printed in the cause-list, no-one appeared on behalf of the respondent by person or pleader.

6. Heard K.Rangesh, learned counsel for the petitioner.

7. The petitioner and the respondent got married on 11.12.2014. Thereafter, due to family dispute, the respondent left the matrimonial home and staying with her parents in Cuddalore. Due to wed lock, they gave birth to one male child. Therefore, the petitioner filed a petition for divorce on the ground of desertion in FCOP.No.136 of 2019 on the file of the Family Court, Chengalpet.

8. The respondent filed Tr.CMP.No.661 of 2019 before this court and this court, by an order dated 30.10.2019 has transferred the divorce petition from the file of the Family Court Cuddalore to the file of the Family Court, Pondicherry and it is pending for trial. Thereafter, the respondent filed a petition under Section 125 of Cr.P.C seeking maintenance as against the petitioner before the Family Court, Cuddalore in MC.No.8 of 2020 and it is pending for trial. Already the divorce petition filed by the petitioner has been transferred to the file of the Family Court, Pondicherry and it is pending for trial. Therefore, this court is inclined to transfer the maintenance case in MC.No.8 of 2020 filed by the respondent also to the file of the Family Court, Pondicherry. Accordingly, the MC.No.8 of 2020, is hereby withdrawn from the file of the Family Court, Cuddalore and transferred to the Family Court, Pondicherry.

9. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

gv

To

1.The Family Court,
Cuddalore.

2. The Family Court,
Pondicherry.

CrI.O.P.No.5732 of 2020
and
CrI.MP.No.3245 of 2020

CA (CO)
GN (22/10/2020)



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