

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.Nos.27285 & 27287 of 2019

T.Preethi

... Petitioner in
Crl.O.P.No.27285 of 2019

R.Vimala

... Petitioner in
Crl.O.P.No.27287 of 2019

Vs

V.Tamilselvan

.. Respondent in both
the Petitions

COMMON PRAYER: Criminal Original Petitions filed under Section 407 of Criminal Procedure Code to withdraw the M.C.Nos.42 & 45 of 2016 pending on the file of the Family Court, Salem, and transfer the same to the Family Court at Coimbatore.

For Petitioner in both
the petitions

: Mr.T.N.Muralimoghan

For Respondent

: Mr.R.Sankara Subbu

C O M M O N O R D E R

(through Video Conference)

These Criminal Original Petitions have been filed seeking for a direction to withdraw the M.C.Nos.42 & 45 of 2016 pending on the file of the Family Court, Salem, and transfer the same to the Family Court at Coimbatore.

2.Heard Mr.T.N.Muralimoghan, learned Counsel appearing for the Petitioners in both the petitions and Mr.R.Sankara Subbu, learned Counsel appearing for the Respondent.

3.Admittedly, the Petitioner in Crl.O.P.No.27285 of 2019 is the daughter of the respondent viz, V.Tamilselvan and in the above referred case in M.C.No.42 of 2016, she prayed to direct the respondent therein to pay interim maintenance under Section 125 of Criminal Procedure Code and the Petitioner in Crl.O.P.No.27287 of 2019 is the wife of the respondent viz., V.Tamilselvan and she has also filed a case in M.C.No.45 of 2016

in which she is claiming a maintenance amount of Rs.15,000/- per month and the same are pending before the Family Court, Salem.

4.The only grievance of the Petitioners is that both of them are residing in Coimbatore and therefore, it is very difficult for them to attend the Court situated at Salem. Per contra, the learned Counsel appearing for the respondent submitted that both the petitioners in the above Criminal Original Petitions are the residents of Salem. Though the case of the respondent is as above, in order to substantiate the same, on the side of the respondent, no relevant documents have been produced to show that both the Petitioners are residing within the jurisdiction of the Family Court, Salem.

5.In other words, for deciding these type of family issues, only the convenience of the wife and daughter has to be taken into account. In this regard, the learned Counsel appearing for the Petitioners in both the petitions would submit that he is ready to prove that both the Petitioners are residing in Coimbatore by way of filing relevant documents.

6.In view of the above, since both the Petitioners being the ladies, residing in No.8/1, Santhi Nagar, Kuniyamuthu, Coimbatore - 641 008, it is appropriate to allow these petitions. Accordingly, both the Criminal Original Petitions are allowed. The Presiding officer of the Family Court, Salem is directed to transfer the records in M.C.Nos.42 & 45 of 2016 to the Family Court, Coimbatore within a period of two weeks from the date of receipt of copy of this order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Presiding Officer,
The Family Court,
Salem.

2. The Family Court,
Coimbatore.

CrI.O.P.Nos.27285 & 27287 of 2019

SS(CO)
RV(03/12/2020)