



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANCrI.O.P. (MD)Nos.4259 & 4266 of 2020 andCRL.M.P. (MD)Nos.2354 & 2365 of 2020

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CRL.O.P. (MD)No.4259 of 2020

M.K.G.Rajev

...Petitioner/Respondent

Vs.

1. Joes Miranda

2. Minor Ajitha

(R-2 is rep. by her mother R-1)

...Respondents/ Petitioners

Prayer: Criminal Original petition is filed under Section 407 of Cr.P.C, to transfer the case in M.C.No.21 of 2019 pending before the Judicial Magistrate Court, at Paramakudi to Family Court, Madurai.

CRL.O.P. (MD)No.4266 of 2020

M.K.G.Rajev

... Petitioner/1st Respondent

Vs.

1. Joes Miranda

... 1st Respondent/Petitioner

2. P.Amala

... 2nd Respondent/ 2nd Respondent

Prayer: Criminal Original petition is filed under Section 407 of Cr.P.C, to transfer the case in DVC No.4 of 2019 pending before the Judicial Magistrate Court, at Paramakudi, to the Family Court, Madurai or to any other competent Court at Madurai which deem fit.

(in both CrI.O.Ps.)

For Petitioner : Mr.R.Devaraj

For Respondents : Mr.K.Samidurai

COMMON ORDER

The petitioner M.K.G.Rajev got married to Jose Miranda on 28.01.2015. The second respondent was born through the wedlock. Thereafter, the marital relationship came under strain. The petitioner herein filed O.P.(MD) No.3798 of 2019 before the II Additional Judge, Family Court, Chennai, seeking the relief of divorce. The first respondent herein, namely, Joes Miranda filed Tr.C.M.P. No.774 of 2019 and at her instance, the same was transferred to the Family Court, Madurai. This order dated 12.12.2019 had become final. The O.P. filed by the petitioner herein is now pending before the Family Court, Madurai and a fresh number is yet to be assigned.



2. In the meanwhile, the respondents herein filed M.C.No.21 of 2019 and D.V.C.No.4 of 2019 before the Judicial Magistrate, Paramakudi. The petitioner wants these two proceedings also to be transferred from the Judicial Magistrate Court, Paramakudi to the Family Court, Madurai and tried along with the O.P.

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3. Heard the learned counsel on either side.

4. The learned counsel appearing for the respondents strongly opposed the prayer made by the petitioner herein.

5. I fail to understand the objections raised by the learned counsel appearing for the respondents.

6. When the matrimonial proceedings between the parties are already pending before the Family Court, Madurai, there is no reason as to why the proceedings instituted by the respondents should be separately tried by another Magistrate Court.

7. In the very nature of things, all the three proceedings will have to be heard and disposed of together. Therefore, M.C.No.21 of 2019 as well as D.V.C.No.4 of 2019 are withdrawn from the Judicial Magistrate Court, Paramakudi and transferred to the Family Court, Madurai and to be tried along with the O.P. filed by the petitioner herein.

8. The criminal original petitions stand allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

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Sub Assistant Registrar(CS)

Pmu

To:

1. The Judicial Magistrate,
Paramakudi.
 2. The Judge, Family Court, Madurai.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.R.DEVARAJ, Advocate (SR-11265[F] dated 12/03/2020)
+1 CC to M/s.`K.SAMIDURAI, Advocate (SR-11287[F] dated 12/03/2020)

Crl.O.P.(MD)Nos.4259 & 4266 of 2020

13.03.2020