



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.02.2020
CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P(MD) No.18816 of 2019
and
Crl.M.P(MD) No.11055 of 2019

C.Dhinesh Karthick

... Petitioner/Respondent

-Vs-

1. V.Monika

2. Minor. Sathya

(Second respondent through her
natural guardian, first respondent, the mother)

... Respondent/Petitioner

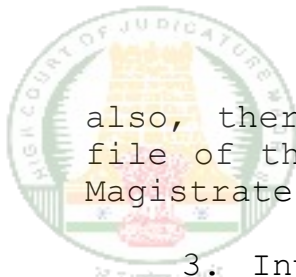
Prayer: This Criminal Original Petition filed under Section 407 of Cr.P.C., to withdraw the DVC No.5 of 2017 on the file of the Mahila Court, Aruppukottai and transfer the same to the file of the Family Court, Chengalpattu or Hosur Judicial Magistrate Court, Krishnagiri District.

For Petitioner	:	Mrs.T.K.Akalya for Mr.S.Thamizharasan
For Respondent	:	Mr.Joseph Jerry for Mr. K.Prabhu

O R D E R

By consent of both parties, this petition is taken up for final hearing.

2. The learned counsel for the petitioner would submit that the petitioner/husband is a resident of Guduvancheri near Chengalpattu. The respondent/wife is working as a teacher in St.Joseph Matriculation Hr. Secondary School, SIPCOT, Gandhi Nagar Road, Mookanapalli, Hosur, Tamilnadu. He would submit that matrimonial dispute are pending between the petitioner and the respondent. Earlier the respondent had filed HMOP No.17 of 2017 for restitution of conjugal rights before the Sub Court, Aruppukottai and the same was transferred to the file of Sub Court Hosur by the order of this Court in Tr.C.M.P.No.541 of 2019 dated 27.01.2020. Though transfer was opposed by the wife contending that she had taken up job only in order to earn income since the husband is not maintaining her, this Court by an order dated 27.01.2019 transferred HMOP No.17 of 2017 from the file of the Sub Court, Aruppukottai to the file of Sub Court, Hosur in the interest of both parties. He would submit that same yardstick will be applicable to this case



also, thereby he would seek to transfer DVC No.5 of 2017 on the file of the Mahila Court, Aruppukottai to the file of the Judicial Magistrate Court No.I, Hosur, Krishnagiri

3. In view of the order passed in Tr.C.M.P(MD) No.541 of 2019 dated 27.01.2020, I am of the considered opinion that DVC No.5 of 2017 on the file of the Mahila Court, Aruppukottai can also be transferred to the file of the Judicial Magistrate Court No.I, Hosur, Krishnagiri, which will be in the interest of both parties.

4. In view of the same, the proceedings in DVC No.5 of 2017 on the file of the Mahila Court, Aruppukottai is transferred to the file of Judicial Magistrate Court No.I, Hosur to be heard and disposed of in accordance with law. Since the D.V.C., is of the year 2017, the Sub-Court, Hosur is directed to dispose of the same on priority basis, at any rate, within a period of six months from the date of receipt of the records from the Mahila Court, Aruppukottai. The Mahila Court, Aruppukottai is directed to transmit the papers to the Judicial Magistrate Court No.I, Hosur, Krishnagiri District, forthwith. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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To

1. The Sub Judge,
Hosur

2. The Judge,
Mahila Court, Aruppukottai

3. The Judicial Magistrate Court No.1,
Hosur, Krishnagiri District

4 The Sub Judge,
Aruppukottai.

+1 CC to Mr.S.THAMIZHARASAN, Advocate (SR-5741[F] dated 11/02/2020)

+1 CC to Mr.K.PRABHU, Advocate (SR-5744[F] dated 11/02/2020)

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