

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.259 of 2021

M.Pravinraj

... Petitioner

Vs.

S.Bharathi

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to withdraw and transfer the maintenance case filed in MC.No.7 of 2020, on the file of the learned Judicial Magistrate-I, Jeyamkondam, to the Family court, Ariyalur.

For Petitioner : Mr.S.Ravichandran
For Respondents : Mr.M.Kavikannan

ORDER

The present petition has been filed seeking to withdraw and transfer the maintenance case pending in MC.No.07 of 2020 on the file of the learned Judicial Magistrate-I, Jayamkondam to the Family Court, Ariyalur.

2. The petitioner husband filed a petition in HMOP.No.137 of 2020 seeking for divorce against the respondent wife before the Family Court, Chengalpet. The respondent Wife filed a petition for restitution of conjugal rights in FCOP.No.291 of 2020 before the Family Court, Ariyalur. Thereafter, a petition came to be filed before this Court in Tr.CMP.No.540 of 2020 by the respondent wife seeking for transfer of the divorce proceedings initiated by the petitioner. This Court, by an order dated 25.01.2020, allowed the petition and transferred HMOP.No.137 of 2020 which was pending on the file of the Family Court, Chengalpet to the Family Court, Ariyalur. Both the cases were directed to be tried together.

3. Apart from the above proceedings, the respondent wife has initiated maintenance case in MC.No.07 of 2020 before the learned Judicial Magistrate-I, Jayamkondam. The petitioner husband has approached this Court seeking for transfer of this case also to the file of the Family Court, Ariyalur.

4. The learned counsel for the petitioner husband also brought to the notice of this Court a Domestic Violence Petition filed by the respondent wife against the petitioner husband in DVC. No.05 of 2020 before the learned Judicial Magistrate-I, Jayamkondam.

5. Heard Mr.S.Ravichandran, learned counsel for the petitioner and Mr.M.Kavikannan, learned counsel for the respondent.

6. In the considered view of this Court, it will be just and proper if all these petitions are heard before the same Court, since it involves the same parties and each case is connected with the other. This will avoid multiplicity of proceedings and the parties can agitate all the issues before the same Court.

7. In view of the above, the maintenance case in MC.No.05 of 2020 and the Domestic Violence case that is pending in DVC.No.05 of 2020, on the file of the learned Judicial Magistrate-I, Jayamkondam are hereby withdrawn and transferred to the file of the Family Court, Ariyalur. The learned Judicial Magistrate-I, Jayamkondam is directed to immediately transfer the entire case records in both the cases to the Family Court, Ariyalur within a period of two weeks from the date of receipt of a copy of this order. The Family Court, Ariyalur, on receipt of the case papers, shall immediately renumber the petitions and proceed to deal with all the cases and dispose it of as expeditiously as possible.

8. This Criminal Original Petition is disposed of with the above directions.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

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To

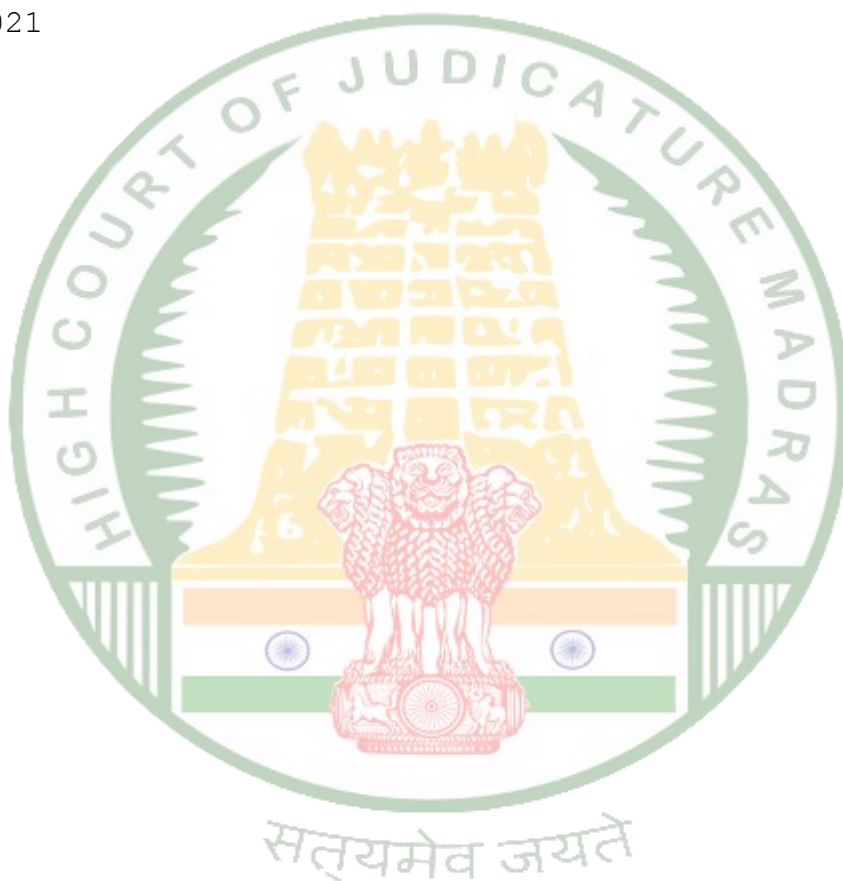
1. The Judicial Magistrate-I
Jayamkondam.

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2. The Family Court,
Ariyalur.

Cr1.O.P.No.259 of 2021

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