

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.762 of 2021 &
Crl.M.P.No.437 of 2021

K.Ashok Kumar,
W/o.V.Krishnan,

.. Petitioner/
Respondent

vs.

1. C.Malini
W/o.K.Ashok Kumar

2. Minor Harish,
Represented by his mother
C.Malini

... Respondents/Petitioners

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw and transfer the M.C.No.3 of 2017 pending on the file of the Judicial Magistrate-II, Tirupattur, Vellore District to the Sub Court at Tambaram.

For Petitioner : Mr.J.Ramesh

For Respondents: Mr.M.Mariappan

ORDER

The Criminal Original Petition has been filed seeking for transferring the case in M.C.No.3 of 2017 on the file of the Judicial Magistrate II, Tirupattur, Vellore District to the concerned Court at Tambaram.

2. The respondents have filed a maintenance case against the petitioner before the Judicial Magistrate II, Tirupattur. That apart, the earlier petition filed by the petitioner in G.W.O.P.No.29 of 2017 was transferred to the Sub Court, Tambaram, to be tried along with H.M.O.P.No.778 of 2019 filed by the petitioner. This order was passed by this Court in Tr.CMP.No.87 of 2020, dated 08.09.2020.

3. The petitioner has approached this Court seeking for transferring the maintenance case to Tambaram on the ground that all the cases can be tried in the same place and the parties need not move to different places to conduct the cases.

4. The first respondent has filed a counter affidavit and has explained in detail the matrimonial dispute between the petitioner and the first respondent. That apart, it is also mentioned in the counter affidavit that there is a four year old son who is being taken care of by the first respondent and she does not have financial wherewithal to maintain the son and she is dependent on her parents. It is further submitted that the first respondent has now been posted at All Women Police Station at Tiruvallur as Grade II Constable and it would be very difficult for her to travel to Tambaram during every date of hearing.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. The parties are already contesting two proceedings in G.W.O.P.No.29 of 2017 and H.M.O.P.No.778 of 2019 before the Sub Court, Tambaram. The parties will have to be present before the concerned Court at Tambaram during the date of hearing. Therefore, it will be more convenient if the maintenance case is also transferred to the Judicial Magistrate at Tambaram. This will enable the parties to attend the hearings in all the cases at the same place.

7. In view of the above, the maintenance case in M.C.No.3 of 2017 pending on the file of the Judicial Magistrate II, Tirupattur, is withdrawn and transferred to the file of the Judicial Magistrate I, Tambaram. The case records shall be immediately transferred to the Judicial Magistrate I, Tambaram, within a period of two weeks from the date of receipt of a copy of this order and the Judicial Magistrate I, Tambaram, shall immediately assign a fresh case number and proceed further to dispose of the case, as expeditiously as possible.

8. This Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate II,
Tirupattur

2.The Judicial Magistrate I,
Tambaram

+1cc to Mr.J.Ramesh, Advocate SR.8537
+1cc to Mr.N.Chinnaraj, Advocate SR.8126

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CA (CO)
CB (08/03/2021)



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