

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CrI.OP.No.1651 of 2021

and

CrI.MP.Nos.979 & 980 of 2021

S.Suresh Kumar

...Petitioner

.Vs.

V.Pavithra

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the maintenance case in M.C.No.13 of 2020 pending on the file of the District Munsif cum Judicial Magistrate, Cheyyur and to transfer the same to be tagged with HMOP No.1019 of 2018 pending on the file of III Additional Family Court, Chennai.

For Petitioner : Mr.B.Srinivasan

For Respondent : Mr.G.Balamurugan

ORDER

This Criminal Original Petition has been filed seeking for transfer of the proceedings in M.C.No.13 of 2020, on the file of the District Munsif cum Judicial Magistrate, Cheyyur to be tagged and heard along with HMOP No.1019 of 2018, pending before the III Additional Family Court, Chennai.

2.The respondent has filed a maintenance case against the petitioner before the Court below and the same is pending in M.C.No.13 of 2020. There was a matrimonial dispute between the parties which resulted in the petitioner filing a divorce petition before the Sub Court, Tirunelveli in HMOP No.11 of 2017. The respondent filed Tr.CMP No.579 of 2017, before this Court seeking to transfer the case to Madurantakam. This Court by an order dt.26.10.2017, was pleased to transfer the proceedings in HMOP No.11 of 2017, to the Family Court, Chennai. The proceedings are now pending before the III Additional Family Court, Chennai.

3.In the meantime, the respondent filed a maintenance case before the District Munsif cum Judicial Magistrate, Cheyyur. This proceeding is now sought to be transferred to the

III Additional Family Court, Chennai, on the ground that both the proceedings can be heard before the same Court and it will also be convenient for both the parties to attend to the proceedings.

4.Heard Mr.B.Srinivasan, learned counsel for the petitioner and Mr.G.Balamurugan, learned counsel appearing on behalf of the respondent.

5.Taking into consideration the facts and circumstances of the case and also of the fact that there is already a proceeding pending before the III Additional Family Court, Chennai in HMOP No.1019 of 2018, this Court is inclined to withdraw the maintenance case in M.C No.13 of 2010, pending on the file of the District Munsif cum Judicial Magistrate, Cheyyur and transfer the same to the file of the III Additional Family Court, Chennai.

6.The District Munsif cum Judicial Magistrate, Cheyyur shall immediately transfer the entire case records to the III Additional Family Court, Chennai within a period of two weeks from the date of receipt of a copy of this order. Immediately on receipt of the case records, the III Additional Family Court shall renumber the petition and take up the petition for hearing and proceed further in accordance with law.

7.This criminal original petition is disposed of with the above directions. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)
//True Copy//
Sub Assistant Registrar

KP

To

1.The III Additional Family Judge,
Chennai.

2.The District Munsif cum Judicial Magistrate,
Cheyyur.

+1cc to M/s.B.Srinivasan, Advocate, S.R.No.11228
+1cc to Mr.E.Sathiyaraj, Advocate, S.R.No.11172

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AJS (CO)
KKV/01/03/2021