



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P. (MD) No.6382 of 2019

and Crl.M.P. (MD) .No.4220 of 2019

WEB COPY

T.Senthilkumar

.. Petitioner

Vs.

S.Palani Priya @ M.Priya

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to withdraw the M.C.No.6 of 2019 from the file of the Chief Judicial Magistrate at Kumbakonam and transfer the same to the file of the II Additional Family Court at Chennai.

For Petitioner : Ms.C.Shyaamala
For Respondent : Mr.T.R.Subramanian

ORDER

This petition has been filed seeking order to transfer the case in M.C.No.6 of 2019 from the file of the Chief Judicial Magistrate at Kumbakonam to the file of the II Additional Family Court at Chennai.

2.When the matter is taken up for hearing on 02.11.2021, it was submitted that H.M.O.P.No.2072 of 2018, which was filed before the II Additional Family Court, Chennai, has been transferred to the Sub Court, Kumbakonam as per the order of this Court in Tr.C.M.P.No.312 of 2019 and now it is pending before the Sub Court, Kumbakonam.

3.The learned counsel for the petitioner submitted that the children are in the custody of the petitioner and his parents are affected by paralysis and he is not in a position to look after his parents and children and facing difficulty in attending the Court at Kumbakonam, he seeks transfer.

4.Since already H.M.O.P.No.2072 of 2018 has been transferred to Sub Court, Kumbakonam, the question of transferring the maintenance proceedings to Chennai, is absolutely not permissible. Moreover, in the case of the maintenance issue, the residence and convenience of the wife can only taken into consideration. The petitioner can very well engage an advocate to represent the matter before the trial Court properly. There is no necessity for attending the Court for each and every hearing. For that reason, he can get appropriate orders by filing proper petition before the concerned trial Court. I find no merits in this case and this petition is liable to be dismissed.



5.This Criminal Original petition is dismissed with the above directions. Consequently, connected miscellaneous petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (CO)

/ /2021

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Chief Judicial Magistrate,
Kumbakonam.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.R. SUBRAMANIAN, Advocate (SR-35089[F]
dated 19/11/2021)

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AR (CO)

GC(26.11.2021) 2P 4C