



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.5963 of 2021  
and  
Crl.M.P.No.3864 of 2021

1.R.Ramkumar  
2.Aruloli  
3.Rajaram  
4.Priya

... Petitioners / Respondents

Vs.

D.Durgadevi

... Respondent / Petitioner

Prayer: This Criminal Original Petition had been filed under Section 407 of Criminal Procedure Code to withdraw the DVC cases in D.V.C.No.13 of 2020 pending on the file of the Hon'ble Judicial Magistrate-Cum-Principal District Munsif, Thandarampattu and transfer the same to the Hon'ble Judicial Magistrate Court - I, Tiruvannamalai.

For petitioners : Mr.N.Kumar Rajan  
For Respondent : Mr.R.Raja Rajan

ORDER

This Criminal Original Petition had been filed by the Petitioners seeking transfer of the case in D.V.C.No.13 of 2020 pending on the file of the learned Judicial Magistrate-Cum-Principal District Munsif, Thandarampattu to the learned Judicial Magistrate Court - I, Tiruvannamalai.

2. The learned Counsel for the Petitioners submitted that the first Petitioner is the husband of the Respondent. He is residing at Hosur, Krishnagiri District. For attending every hearing, he has to travel a long distance from Krishnagiri District to Thandarampattu. Therefore, he seeks to transfer the case to the Court of learned Judicial Magistrate Court -I, Tiruvannamalai, where H.M.O.P filed by the first Petitioner/Husband is pending.



3. The learned Counsel for the Respondent submits that the H.M.O.P filed by the first Petitioner/Husband is already dismissed for default. He vehemently objects to transfer the case stating that the Respondent is residing within the local limits of the Principal District Munsif-cum- Judicial Magistrate Court, Thandarampattu. He further submits that Thandarampattu is not far from Tiruvannamalai.

4. Considering the objections raised by the learned Counsel for Respondent/wife, it is found justified. Considering her status that she is seeking relief of maintenance from the husband and she cannot be forced to move to different Court which is away from her residence. Further, it is noted that the presence of the Petitioners can be dispensed with by filing appropriate Petition through their Counsel. They need not be present on all dates of hearing. Their presence will be needed only at the time of recording evidence which can be considered since the identity of the Petitioners are not disputed by the Respondent/wife who is the Petitioner in D.V.C.No.13 of 2020.

5. In the light of the above discussion, this Criminal Original Petition is dismissed. The learned Principal District Munsif-cum-Judicial Magistrate, Thandarampattu, is directed to proceed with the case and dispose of the same within a period of three months from the date of receipt of a copy of this order. Consequently, Connected miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate-Cum-Principal District Munsif,  
Thandarampattu.

2. The Judicial Magistrate No - I,  
Tiruvannamalai.

+1cc to Mr.N.Kumar Rajan, Advocate, S.R.No.35700  
+1cc to Mr.R.Raja Rajan, Advocate, S.R.No.36062

Cr1.O.P.No.5963 of 2021  
and  
Cr1.M.P.No.3864 of 2021

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