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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.7959 OF 2022

AND

CRL.M.P.NOS.4617 & 4621 OF 2022

1. I. Nelson Naveen @ Navin Nelson Antony
2. A.Irudayaraj
3. Celine Irudayaraj
4. Liniya Merciline ... Petitioners

Vs.

J. Jasmine Nirmal ... Respondent

PRAYER :

Criminal Original Petition is filed under Section 407 of Criminal Procedure Code, pleaded to call for the records of the Crl.M.P.No.710 of 2021 on the file of the learned Principal District Judge, Ooty and set aside the same and consequently transfer the case in D.V.C.No.1 of 2021 pending on the file of the Principal District Munsif Cum Judicial Magistrate, Gudalur, to the file of the Family Court, Udhamandalam or any other Judicial Magistrate in Udhamandalam Town.

For Petitioners : Mr.R.Karthikeyan

For Respondent : Ms.Thangavadhana Balakrishnan

O R D E R

This Criminal Original Petition has been filed seeking to call for the records in Crl.M.P.No.710 of 2021 on the file of the learned Principal District Judge, Ooty and set aside the same and consequently transfer the case in D.V.C.No.1 of 2021 pending on the file of the Principal District Munsif Cum



Judicial Magistrate, Gudalur, to the file of the Family Court, Udhagamandalam or any other Judicial Magistrate in Udhagamandalam Town.

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2. The brief facts of the case is that the respondent/wife has filed a D.V.C.No.1 of 2021 pending on the file of the Principal District Munsif Cum Judicial Magistrate, Gudalur under the Domestic Violence Act, seeking various reliefs. The 1st petitioner/ husband had earlier filed a O.P.No.1489 of 2020 before the IV Additional Family Court, Chennai. However, on the Transfer C.M.P filed by the respondent/wife in Transfer C.M.P.No.516 of 2020, this Hon'ble Court by an order dated 19.01.2021 had transferred the matter to the file of the Family Court, Udhagamandalam and it has been re-numbered as O.P.No.22 of 2021.

3. Meanwhile, the 1st petitioner/ husband had filed a Crl.M.P.No.710 of 2021 on the file of the learned Principal District Judge, Ooty to transfer the D.V.C No.1 of 2021, pending on the file of the learned Principal District Munsif Cum Judicial Magistrate, Gudalur to Family Court, Udhagamandalam. However, the learned Judge by an order dated 07.03.2022 had dismissed the same. Against which the present petition has been filed.

4. When the matter is taken up today the learned counsel for the respondent/wife would submit that the respondent/wife has no objection in transferring the case and she has also filed a memo dated 22.04.2022, reporting no objection in transferring the case in D.V.C.No.1 of 2021, pending on the file of the learned Principal District Munsif Cum Judicial Magistrate, Gudalur to Family Court, Udhagamandalam to be tried along with O.P.No.22 of 2021.

5. In view of the above, the order passed by the learned Principal District Judge, Ooty in Crl.M.P.No.710 of 2021 dated 07.03.2022 is set aside and the the case in D.V.C.No.1 of 2021, pending on the file of the learned Principal District Munsif Cum Judicial Magistrate, Gudalur stands transferred to the Family Court, Udhagamandalam to be tried along with O.P.No.22 of 2021 and the learned Judge is directed to dispose the matter as expeditiously as possible, preferably within a period of six months from the date of receipt of copy of this order.



6. Accordingly, this Criminal Original Petition stands disposed of and the memo filed by the learned counsel for the respondent, shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

*Xerox copy of Memo to Report is enclosed.

Sd/-
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District Judge,
Ooty.
2. The Principal District Munsif Cum
Judicial Magistrate,
Gudalur.
3. The Judge, The Family Court,
Udhagamandalam.
4. The Judicial Magistrate,
Udhagamandalam Town.

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No.28249

+1cc to Ms.Thangavadhana Balakrishnan, Advocate, S.R.No.28312

Crl.O.P.No.7959 of 2022
and
Crl.M.P.Nos.4617 & 4621 of 2022

BR (CO)
PM/13/05/2022