



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.20755 OF 2020

&

CRL.M.P.NO.8826 OF 2020

Palaniappan

... Petitioner/
Respondent

Vs.

Subashini

... Respondent/
Petitioner

Prayer:

Criminal Original Petition filed under section 407 of Criminal Procedure Code, to withdraw and transfer the case in M.C.No.21 of 2018 from the file of the Chief Judicial Magistrate, Kumbakonam to Chennai.

For Petitioner : Mr.Abhinav Parthasarathy

For Respondent : Mr.S.Kasirajan

O R D E R

This petition has been filed to withdraw and transfer the case in M.C.No.21 of 2018 from the file of the learned Chief Judicial Magistrate, Kumbakonam to Chennai.

2. The petitioner is husband and the respondent is wife. Due to misunderstanding between them, they got separated. Thereafter, the respondent could not maintain herself and as such, filed a petition for maintenance in M.C.No.21 of 2018, on the file of the learned Chief Judicial Magistrate, Kumbakonam.



In the mean while, the petitioner also filed a petition for divorce in HMOP No.63 of 2018 on the file of Sub-Court, Tiruvannamalai and also filed a petition seeking guardianship of his two minor children in GWOP.No.5 of 2018 on the file of District and Sessions Court, Tiruvannamalai. While being so, the respondent also sought for transfer of HMOP as well as GWOP from the file of Sub-Court, Tiruvannamalai and District and Sessions Court, Tiruvannamalai respectively to Kumbakonam. This Court, vide common order dated 09.10.2018 allowed the petition filed by the respondent and transferred the HMOP No.63 of 2018 on the file of Sub-Court, Tiruvannamalai and GWOP.No.5 of 2018 on the file of District and Sessions Court, Tiruvannamalai to Additional District and Sessions Court, Kumbakonam. Further, the petition filed by the petitioner in Crl.O.P.No.18578 of 2018 seeking transfer of M.C.No.21 of 2018 from the file of the Chief Judicial Magistrate, Kumbakonam to the file of Chief Judicial Magistrate, Thiruvannamalai was dismissed by this Court by order dated 09.04.2019.

3. The learned counsel for the petitioner would submit that now the respondent and her children are residing at Chennai and as such, the petitioner has been given visitation rights to visit the children at Arulmighu Kabaleeshwarar Temple, Mylapore, Chennai.

4. The learned counsel for the respondent would submit that the respondent is residing in Chennai temporarily and again she is set to be shifting to Kumbakonam. He further submitted that already the trial had begun and posted for further witnesses.

5. Therefore, this Court finds no grounds to transfer the maintenance case filed by the respondent in M.C.No.21 of 2018 from the file of Chief Judicial Magistrate, Kumbakonam to Chennai. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mpl



To

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The Chief Judicial Magistrate, Kumbakonam.

+1cc to Mr.S.Kasirajan, Advocate, S.R.No.35064

+1cc to M/s.Bhargavigopalan, Advocate, S.R.No.35273

Crl.O.P.No.20755 of 2020

&

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GJ (CO)

PM/27/06/2022