



Crl.O.P.No.22753 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.09.2022

CORAM

THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.22753 of 2022

and

Crl.M.P.Nos.14617 and 14618 of 2022

V.Prabhu Shankar

... Petitioner

Vs

R.Swarna Reka

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to to withdraw the petition in M.C.No.36 of 2021 on the file of the learned Additional Mahila Court (JM Level), Alandur, Kancheepuram District and to transfer the same to the file of learned Sub-Court, Thiruchendur, Thoothukudi District.

For Petitioner : Mr.S.Saravanan



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ORDER

WEB COPY This Petition has been filed to withdraw the petition in M.C.No.36 of 2021 on the file of the learned Additional Mahila Court (JM Level), Alandur, Kancheepuram District and to transfer the same to the file of learned Sub-Court, Thiruchendur, Thoothukudi District.

2. The petitioner got married with the respondent on 12.02.2020. Thereafter, there was misunderstanding between them and also due to demand of dowry, she was driven out from the matrimonial home. Therefore, the respondent is not able to maintain herself and file a petition for maintenance in MC.No.36 of 2021 on the file of the Additional Mahila Court (JM Level), Alandur, Kancheepuram District and the same is pending.

3. The learned counsel for the petitioner submitted that the petitioner is not able to attend each and every hearing, since he is residing at Thiruchendur. He further submitted that the petitioner also filed a petition for restitution of conjugal rights in H.M.O.P.No.61 of 2021 and it is pending on the file of the Sub Court, Thiruchendur. Therefore, he sought for transfer



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the maintenance case in M.C.No.36 of 2021 from the file of the Additional Mahila Court (JM Level), Alandur, Kancheepuram.

4. It is seen that the respondent is residing at Chennai within the jurisdictional of the Trial Court. According to her convenience, she filed a petition for maintenance within the territorial jurisdiction of her residence. Therefore, the grounds raised by the petitioner are not sufficient to transfer the maintenance case filed by his wife. Hence, this Court is not inclined to transfer the case.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

21.09.2022

Index:Yes/no
Speaking/non speaking order
kv



WEB COPY



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G.K.ILANTHIRAIYAN. J,

kv

To

The Public Prosecutor,
High Court of Madras.

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