

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.7190 of 2020

and

Crl.M.P(MD)Nos.3527 & 3528 of 2020

T.S.Dineshraj @ T.S.Solomon Dineshraj @ T.S.Solomon

... Petitioner/Respondent

Vs.

1.Vinothini

2.Minor D.V.Ashwins

... Respondents/Petitioners

(R - 2 represented by his mother and natural Guardian R - 1)

Prayer: Criminal Original Petition is filed under Section 407 Cr.P.C., to withdraw M.C.No.4 of 2020 on the file of the learned Judicial Magistrate No.II, Virudhunagar and transfer the same to any other Judicial Magistrate Court at Madurai.

For Petitioner : Mr.N.Kamesh

For Respondents : Mr.A.Karthick

ORDER

This Criminal Original Petition has been filed for transfer of the case in M.C.No.4 of 2020 from the file of the learned Judicial Magistrate No.II, Virudhunagar to the file of the learned Judicial Magistrate, Madurai.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

3.The petitioner is the husband and the respondents are the wife and minor child. The petitioner got married with the first respondent herein on 25.05.2018. Thereafter, there was

misunderstanding between them and the petitioner demanded dowry and as such, the respondents were driven out from the matrimonial home and now they are residing at Virudhunagar. Hence the first respondent filed a petition for divorce as against the petitioner in H.M.O.P.No.91 of 2019 and it is pending on the file of the Sub Court, Virudhunagar. Since the first respondent could not able to maintain herself, the respondents also filed a maintenance petition in M.C.No.4 of 2020 before the learned Judicial Magistrate, Virudhunagar as against the petitioner herein. Thereafter, the petitioner filed a petition in I.D.O.P.No.19 of 2020 for restitution of conjugal rights before the Principal District Court, Pudukottai. However, the petitioner filed a petition for transfer in Tr.C.M.P (MD)No.173 of 2020 before this Court and on the side of the petitioner, it is stated that the wife has filed a transfer petition in Tr.C.M.P(MD)No.145 of 2020 before this Court and this Court, by an order, dated 13.03.2020, transferred both I.D.O.P.No.19 of 2020 from the the file of the learned Principal District Court, Pudukottai and H.M.O.P.No.91 of 2019 from the file of the Sub-Court, Virudhunagar to the file of the Principal District Court, Virudhunagar District at Srivilliputhur. Hence, this Court, by an order, dated 26.06.2020, referred the matter before the Mediation and Concilliation Centre and the said Tr.C.M.P(MD)No.173 of 2020 is pending.

(*)4.The maintenance case in M.C.No.4 of 2020 pending on the file of the learned Judicial Magistrate No.II, Virudhunagar is hereby withdrawn and transferred to the file of the learned Judicial Magistrate No.I, Srivilliputhur. The learned Judicial Magistrate No.I, Srivilliputhur, is directed to dispose of the maintenance case in M.C.No.4 of 2020 within a period of six months on receipt of the entire case bundle.

5.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

(*)Corrected as per order of this court in Crl.M.P (MD)No.15885 of 2022 dated 20/12/2022

Sd/-

Assistant Registrar (AD I)

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ 01/2023

Sub Assistant Registrar(CS)

PS/DAS

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

(*)To be substituted to be order already despatched on 25.04.2022

1.The Judicial Magistrate No.II,
Virudhunagar.

2.The Judicial Magistrate No.I,
Srivilliputhur

**+1 CC to M/s.A. KARTHICK, Advocate (SR-1003961[F] dated
21/12/2022)**

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MGJ(21.04.2022) 3P 4C
AMS(06.01.2023) 3P 4C