



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

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

Crl.O.P. (MD)No.15260 of 2020

and

Crl.M.P(MD)No.7368 of 2020

S.Samayamuthu

... Petitioner

Vs.

Chitra @ Jeyachitra

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C. to withdraw the case in F.C.M.C.No.36 of 2019 on the file of the Learned Family Court, Thanjavur and transfer the same to the Learned Family Court, Madurai.

For Petitioner : Mr.R.Shankar Ganesh

ORDER

The petition has been filed to transfer the maintenance case filed by the respondent in F.C.M.C.No.36 of 2019 from the file of the Family Court, Thanjavur to the file of the Family Court, Madurai.

2.The petitioner is the husband and the respondent is the wife. They got married and due to misunderstanding they are living separately. Therefore, the petitioner filed a petition for divorce in H.M.O.P.No.83 of 2018 on the file of the Sub Court, Dindigul and it is pending for trial. While it is pending, the respondent filed the petition for maintenance in F.C.M.C.No.36 of 2019 on the file of the Family Court, Thanjavur and it is pending for trial.

3.The learned Counsel appearing for the petitioner would submit that though the petitioner failed to make out a case for transfer of maintenance case from the file of the Family Court, Thanjavur to the Family Court, Madurai, the petitioner's case may be transferred to the Family Court, Thanjavur and he is ready and willing to appear before the Family Court, Thanjavur. The respondent, even after receipt of the notice in H.M.O.P.No.83 of 2018, did not appear before the Sub Court, Dindigul for trial.



4. In view of the above, the criminal original petition is dismissed. However, the divorce petition filed by the petitioner in H.M.O.P.No.83 of 2018 is hereby withdrawn from the Sub Court, Dindigul and transferred to the file of the Family Court, Thanjavur. On receipt of the entire bundle, the Family Court Thanjavur is directed to club both the matters together and conduct joint trial and dispose of the same, within a period of six months from the date of receipt of a copy of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Judge,
Family Court,
Thanjavur.

2.The Sub Judge,
Dindigul.

+1 CCToM/s.R.SHANKAR GANESH, Advocate(SR-10650[F] dated 08/03/2022)

ORDER MADE IN
CrI.O.P. (MD)No.15260 of 2020
07.03.2022

PKP/22.03.2022/2P/4C