



Crl.O.P.No.23154 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :25.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.23154 of 2022
and Crl.M.P.No.14795 of 2022

A.Arasu

... Petitioner

Vs.

Jothi

... Respondent

Prayer : This Criminal Original Petition is filed under Section 407 of Cr.P.C. to withdraw and transfer the Calender Case in M.C.No.23 of 2022 onto the file of the Family Court, Cuddalore District, Cuddalore to the District Munsif cum Judicial Magistrate Court at Thirukalukundram, Chengalpattu District.

For Petitioner	: Mr.R.Anbalagan
For Respondent	: Ms.S.Azhagulakshmi

ORDER

This petition has been filed for withdrawing the case in M.C.No.23 of 2022 from the file of the Family Court, Cuddalore to the Judicial Magistrate Court at Thirukalukundram, Chengalpattu.



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2.Heard Mr.R.Anbalagan, learned counsel appearing for the petitioner and Ms.S.Azhagulakshmi, learned counsel appearing for the respondent.

3.The respondent has filed a maintenance case before the Family Court, Cuddalore seeking for maintenance of Rs.50,000/- from the petitioner. The respondent is the third wife of the petitioner. His first wife died, the second wife got divorce through mutual consent and thereafter, the petitioner married the respondent. According to the petitioner, he is being harassed by the elder brother of the respondent who is a Police working at Cuddalore. That apart, the petitioner has also filed H.M.O.P.No.53 of 2022 seeking for divorce and the same is pending before the Principal Sub Court at Chengalpattu. In view of the same, the petitioner has sought for transfer of the maintenance case to Chengalpattu.

4.It is seen from the records that the respondent has filed an application in the divorce petition that is pending before the Principal Sub Court, Chengalpattu seeking for interim maintenance. Hence, the respondent is contesting the case before the Chengalpattu Court.



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5.Taking into consideration the facts and circumstances of the case, it

is not necessary for this Court to transfer the maintenance case pending in M.C.No.23 of 2022 pending before the Family Court, Cuddalore. It will suffice if the petitioner is permitted to be represented through a counsel before the Family Court. As and when the Family Court wants the presence of the petitioner, the petitioner shall be present before the Family Court, Cuddalore. On all the other occasions, the petitioner shall be represented by a counsel.

6.This Criminal Original Petition is disposed of in the above terms.

Consequently, connected miscellaneous petition is closed.

25.07.2023

Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order

cse

To

The Judge,
Family Court,
Cuddalore District, Cuddalore



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N.ANAND VENKATESH,J.

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