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CrI.O.P.No.24986 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **M.NIRMAL KUMAR**

CrI.O.P.No.24986 of 2022 and
CrI.M.P.No.15608 of 2022

1. Saranya
 2. Minor Akshya
(R2 represented by her mother
and natural guardian R1)
- ...Petitioners

Vs.

Ramarajan ...Respondent

PRAYER: Criminal Original Petition filed under Section 407 Cr.P.C. praying to withdraw the maintenance case filed in M.C.No.9 of 2022 on the file of the Family Court at Thiruvallur and transfer the same to the file of the learned Judicial Magistrate II, Wallajah, Ranipet District for enquiry and disposal according to law.

For Petitioners : Mr.R.Natarjan

For Respondent : Mr.D.Bennington



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ORDER

This Criminal Original Petition has been filed seeking to withdraw the maintenance case in M.C.No.9 of 2022 pending on the file of the Family Court, Thiruvallur, and to transfer the same to the file of the Judicial Magistrate No.II, Wallajah.

2 The first petitioner wife has filed maintenance case in M.C.No.9 of 2022 before the Family Court, Thiruvallur. The respondent husband has also filed a petition in H.M.O.P.No.16 of 2019 before the Family Court, Thiruvallur, seeking divorce. The Family Court, Thiruvallur, by its order dated 29.07.2022 granted decree of divorce against the first petitioner/wife, against which she preferred an appeal before this Court and this Court granted an order of interim stay of the decree of divorce granted in favour of the respondent/husband.

3 It is the contention of the learned counsel for the first



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petitioner/wife that since the respondent/husband has filed the divorce petition before the Family Court, Thiruvallur, she has also filed the maintenance case before the Family Court, Thiruvallur and now the Family Court has granted divorce in favour of the respondent/husband. Now it has become very difficult and also involves cost for the first petitioner/wife to travel all the way from Nemili to Thiruvallur to attend the proceedings in the maintenance case. Therefore, she filed the present petition seeking transfer of the maintenance case in M.C.No.9 of 2022 from the file of Family Court, Thiruvallur, to the Judicial Magistrate No.II, Wallajah.

4 Learned counsel appearing for the respondent/husband submitted that the case may be transferred to the Judicial Magistrate, Arakonam, which is nearer to the first petitioner/wife also, for which, the learned counsel for the petitioner has not made any serious objection.

5 In view of the above, the maintenance case in M.C.No.9 of



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2022 on the file of the Family Court, Thiruvallur, is transferred to the file of the Judicial Magistrate, Arakkonam, and the learned Judicial Magistrate, Arakkonam, on receiving the papers, is directed to dispose of the case in accordance with law.

6 With the above directions, the criminal original petition stands disposed of. Consequently, connected miscellaneous petition is closed.

19.06.2023

Index:Yes/No
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To

1. The Judge, Family Court, Thiruvallur.
2. The Judicial Magistrate, Arakkonam.



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M.NIRMAL KUMAR, J.

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