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CrI.O.P.No.10031 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:13.06.2024

CORAM:

THE HONOURABLE DR JUSTICE G.JAYACHANDRAN

CrI.O.P.No.10031 of 2024

and

CrI.M.P.No.6882 of 2024

Mohammed Abdul Kadhar

.. Petitioner

/versus/

1.Mrs.S.Fathima Parveen

2.M.Jasra Mumtaz(Minor)

D/o S.Mohamed Abdul Kadhar

3.S.Ajath Sharfudeen(Minor)

S/o Mohamed Abdul Kadhar

2 and 3 are rep.by their mother

and natural guardian

1st petitioner

.. Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to withdraw M.C.No.326 of 2023 on the file of IV Additional Family Court, Chennai and transfer the same to the file of Judicial Magistrate, Pattukottai.

For Petitioner :Mr.M.Santhanaraman

For Respondents :No appearance

ORDER



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The petitioner herein is the respondent in the maintenance case in M.C.No.326 of 2023 on the file of the IV Additional Family Court, Chennai. The present petition is filed to transfer the case to some other Court in Pudukottai, since the petitioner been attacked on 16.12.2023 by his wife and relatives, when he came to Chennai to attend the Court.

2. The learned counsel appearing for the petitioner submitted that a memo was filed on 08.04.2024 before the IV Additional Family Court, Chennai stating he was brutally attacked on 16.12.2023. Hence, he fear danger to life. Therefore, the case to be transferred to the Court in Pudukottai.

3. Notice to the respondents served and they have entered appearance through counsel. When the matter is called today, there is no representation for the respondents.

4. The learned counsel appearing for the petitioner submitted that the matter been posted for argument and the petitioner apprehends life threat, if he come to the Court on the date of argument. This petition



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is filed to transfer from Court in Chennai citing life threat.

5. No doubt, under the Family Court Act, the party has to appear in person, but there is a provision, which enables the party to get the legal assistance with the leave of the Court. In this Court it appears that the petitioner herein has also been represented by his counsel. Therefore, there is no necessity to transfer the case for the reason cited above. It is sufficient to permit the petitioner herein to be represented by his counsel to put forth the argument through his counsel and the trial Court shall proceed with the maintenance case without insisting the presence of the petitioner.

6. In the light of the above direction, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

13.06.2024

Index:yes/no

Neutral Citation:yes/no



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To

- 1.IV Additional Family Court, Chennai.
- 2.The Judicial Magistrate, Pattukottai.
- 3.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.



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