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Cr.L.O.P.No.14648 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 20.09.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

Cr.L.O.P.No.14648 of 2024

Dr.S.Pragatheeswaran.

... Petitioner

-VS-

Mrs.Rasuvanthi.

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 407 of Cr.P.C., to transfer the M.C No:639 of 2023, filed by the respondent pending before the Hon'ble VI Additional Family Court at Chennai to the Hon'ble Judicial Magistrate Court in Uthamapalayam.

For Petitioner : Mr.A.R.Rajasekaran

For Respondent : Mr.M.V.Bibin Mahesh

**ORDER**

This Criminal Original Petition is filed to transfer the Maintenance Case in M.C.No.639 of 2023 pending on the file of VI Additional Family Court, Chennai to Sub Court, Uthamapalayam in H.M.O.P.No.249 of 2023 filed by the petitioner for divorce against the respondent is pending.



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2. Today (i.e., 20.09.2024), when the matter is taken up for consideration, the Learned Counsel for the petitioner sought time. However, the Learned Counsel for the respondent submitted that the petitioner herein filed H.M.O.P.No.249 of 2023 before the Sub Court, Uthamapalayam, for divorce. Whereas, the respondent has filed H.M.O.P.No.5299 of 2023 on the file of the 1<sup>st</sup> Additional Family Court, Chennai, for restitution of conjugal rights. Meanwhile, the respondent has also filed an application in M.C.No.639 of 2023 for Maintenance before the VI Additional Family Court, Chennai. In the said circumstances, the petitioner herein filed transfer petition in Tr.C.M.P.No.552/2024 before the Hon'ble High Court to withdraw the H.M.O.P.No.5299 of 2023 filed by the wife and pending before the 1<sup>st</sup> Additional Family Court, Chennai to be transferred to the Sub Court, Uthamapalayam, where the husband divorce petition is pending in H.M.O.P.No.249 of 2023. In the said, Tr.C.M.P.No.552 of 2024, the Hon'ble High Court on 28.08.2024, taking note of pendency of divorce petition and restitution of conjugal rights petition in two different Courts, transferred the H.M.O.P.No.249 of 2023 pending on the file of Sub Court, Uthamapalayam to the Family Court, Chennai to be tried along with H.M.O.P.No.5299 of 2023 initiated by the wife.



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3. In the said circumstances, since no case is now pending in Sub Court, Uthamapalayam, the present petition for transfer of M.C.No.639 of 2023 pending on the file of VI Additional Family Court to be transferred to Sub Court, Uthamapalayam has become infructuous.

4. This Court perusing the order passed by this Court in Tr.C.M.P.No.522 of 2024 finds that the request of the petitioner herein to transfer the Maintenance case pending before the VI Additional Family Court, Chennai to Sub Court, Uthamapalayam has no basis in view of the order passed by this Court in Tr.C.M.P.No.522 of 2024.

5. Accordingly, this Criminal Original Petition is dismissed.

20.09.2024

Index : Yes/No

Neutral Citation : Yes/No

bsm

To:-

1. The VI Additional Family Court, Chennai.

2. The Judicial Magistrate Court, Uthamapalayam.



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**Dr.G.JAYACHANDRAN,J.**

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