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Crl.OP.No.15256 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.15256 of 2024

and

Crl.M.P.No.9331 of 2024

M. Ganesh Kumar

... Petitioner

Vs.

S.Vishnupriya

... Respondent

Prayer: Criminal Original Petition is filed under Section 407 of Criminal Procedure Code, praying to withdraw and transfer the MC.45 of 2023 pending before the learned Special Judge for Family Court, Salem to Additional Family Court, Salem to Additional Family Court, Coimbatore.

For Petitioner : Mr.S.Suganth Sam Abraham

For Respondents : Ms. J.Prithvi



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ORDER

Petition to transfer the maintenance case pending in the Salem Court to Coimbatore Court on the ground that the petitioner is taking care of autism child and therefore, he is unable to move away from Coimbatore.

2. The case pending in Salem is for maintenance initiated by the wife. Having filed a petition for conjugal right at Coimbatore Family Court, the petitioner seeks for transfer of the maintenance case on the ground that he has to take care of the child who suffers from Autism.

3. The learned counsel appearing for the respondent opposed to transfer application stating that the respondent also have some difficulty, who attend the Court at Coimbatore and particularly she would submit that since application is filed for maintenance forcing her to travel up to Coimbatore from Salem and attend the application will put her under more hardship.



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4. Taking note of the rival submissions, this Court is of the view that apart from the interest of the petitioner, the interest of the autism child to be taken into consideration. Therefore, the petition for transfer of maintenance case in MC No.45 of 2023 from the Family Court, Salem to Family Court, Coimbatore is **allowed**, on condition, the petitioner shall pay a sum of Rs1,000/- on every hearing whenever the respondent attend the Court at Coimbatore for her maintenance case in MC No.45 of 2023. Consequently, the connected miscellaneous petition is closed.

09.08.2024

jv

Index: Yes/No

Internet: Yes/No

To

1. The Special Judge
Family Court,
Salem.

2. The Additional Family Judge,
Additional Family Court,
Coimbatore.



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Dr.G.JAYACHANDRAN,J.

jv

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