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Crl.O.P.No.25310 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.25310 of 2024

and

Crl.M.P.No.14175 of 2024

P.Britto Sagayaraj

... Petitioner

Vs.

1. B.Shamala

2. B.Jucan Paul Mario

3. B.Hemena Helan

[Respondents 2 & 3 who are minors
and they are represented through their
mother and natural guardian namely
the first respondent]

...

Respondents

PRAYER: Criminal Original Petition filed under Section 447 of BNSS,
to withdraw the M.C.No.19 of 2024 pending on the file of the Additional
Mahila Court at Alandur and transfer the same to the learned I Additional
Principal Family Court at Chennai to try along with O.P.No.3998 of
2024.



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For Petitioner : Mr.P.Suresh Babu
For Respondents : Mr.R.Asokan

ORDER

This Criminal Original Petition has been filed seeking to withdraw the M.C.No.19 of 2024 pending on the file of the Additional Mahila Court at Alandur and transfer the same to the I Additional Principal Family Court at Chennai to try along with O.P.No.3998 of 2024.

2. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the petitioner and the first respondent solemnized their marriage on 22.01.2018. From the wedlock, the respondents 2 and 3 were born. Due to matrimonial dispute, the petitioner husband filed divorce petition in IDOP No.80 of



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2023 on the file of the Family Court, Cuddalore. The first respondent wife filed the petition in Tr.C.M.P.No.1153 of 2023 to transfer the abovesaid divorce petition to the court at Alandur. This Court vide order dated 12.06.2024 transferred the proceeding in I.D.O.P.No.80 of 2023 on the file of the Family Court at Cuddalore to the file of the Family Court at Chennai. Pursuant to the same, the proceeding in I.D.O.P.No.80 of 2023 was transferred to the file of the I Additional Family Court, Chennai and same was renumbered as O.P.No.3998 of 2024. He further submitted that the first respondent has also filed petition for maintenance in M.C.No.19 of 2024, which is pending on the file of the Additional Mahila Court at Alandur.

4. He further submitted that the petitioner has putforth certain inconvenience and hardship in attending the proceeding before the I Additional Family Court at Chennai and Additional Mahila Court at Alandur. Hence he prayed to withdraw the M.C.No.19 of 2024 which is pending on the file of the Additional Mahila Court at Alandur to the file of the I Additional Principal Family Court, Chennai to try along with



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O.P.No.3998 of 2024.

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5. The learned counsel for the respondents has made no serious objections to the relief sought for by the petitioner.

6. Considering the fact that the issues involved between the petitioner and the first respondent are one and the same and the parties are husband and wife and accepting the reasons given by the petitioner for the transfer and in the interest of justice and as no serious objection has been made by the respondents for the transfer sought for in all, M.C.No.19 of 2024 pending on the file of the Additional Mahila Court, Alandur is ordered to be transferred to the file of the I Additional Principal Family Court, Chennai to be tried along with O.P.No.3998 of 2024.

7. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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mfa

Index: Yes/No



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Speaking Order: Yes/No
Neutral Citation: Yes/No

P.VELMURUGAN, J.

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