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Crl.O.P.No.2635 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.2635 of 2024

A.Y.Thiruvachagan

..... Petitioner

Vs

S.Geetha

..... Respondent

Prayer: Criminal Original Petition is filed under Section 407 of Code of Civil Procedure, to withdraw the M.C.No.2 of 2023 pending on the file of the Judicial Magistrate II Court, Tiruvallur and transfer the same to any other competent court.

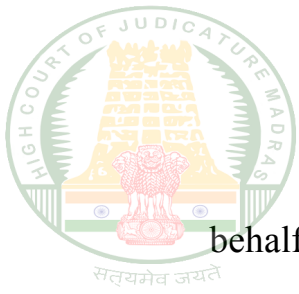
For Petitioner : No appearance

For Respondent : Mr.R.Sasikumar

ORDER

This Criminal Original Petition has been filed for transfer of M.C.No.2 of 2023 from the file of the Judicial Magistrate No.II, Tiruvallur to any other competent Court.

2. Heard the learned counsel appearing for the respondent and perused the materials available on record. There is no representation on

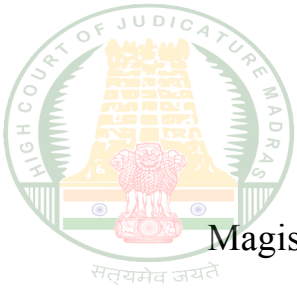


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behalf of the petitioner and as such, this Court is inclined to pass orders on merits.

3. It is seen from the records that the petitioner is the husband of the respondent. They got married and due to misunderstandings, they got separated. As a result, the respondent was unable to maintain herself and filed a petition in M.C.No.2 of 2023 on the file of the Judicial Magistrate No.II, Tiruvallur, seeking maintenance. At the same time, the petitioner filed a petition seeking divorce in HMOP No.18 of 2021 and the respondent also filed a petition for restitution of conjugal rights in HMOP No.244 of 2022 on the file of the Family Court, Tiruvallur, which are pending. Therefore, there is no difficulty for the petitioner to attend the maintenance case on the file of the Judicial Magistrate No.II, Tiruvallur, since already the divorce petition and the conjugal rights petition are already pending on the file of the Family Court, Tiruvallur. In fact, the GWOP No.795 of 2021 filed by the petitioner is also pending on the file of the Principal District and Sessions Court, Tiruvallur.

4. In view of the above, this Court finds no grounds to transfer the maintenance case in M.C.No.2 of 2023 from the file of the Judicial



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Magistrate No.II, Tiruvallur to any other competent Court. Hence, this

WEB CO Criminal Original Petition stands dismissed. However, the Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

04.02.2025

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Index:Yes/No
Internet:Yes/No

To
The Judicial Magistrate No.II,
Tiruvallur.



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G.K.ILANTHIRAIYAN,J.

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