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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP NO. 8078 of 2025

AND

CRL MP NO. 5285 OF 2025

1.R.Sivatmiika (old Name R.Krishna Thulasi)
D/o.K.P.Ravijaishankar
2.Yuvanikshitha(minor)
rep. by her mother R.Sivatmiika

Petitioner(s)

Vs

A.Venkatesan
S/o.Arunachalam, No.45, Indira Nagar,
Vinayagapuram, Kolathur, Chennai - 600 099.

Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 447 of BNSS to withdraw and transfer the maintenance case in M.C.No.26 of 2017 on the file of the III Additional Family Court, at Chennai to the file of the Judicial Magistrate cum District Munsiff Court at Ambattur, Tiruvallur District.

For Petitioner(s):

V.Shanmuganathan

For Respondent(s):

A.Venkatesan (respondent in person)



ORDER

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This Petition has been filed, seeking to withdraw and transfer the maintenance case in M.C.No.26 of 2017 on the file of the III Additional Family Court, at Chennai to the file of the Judicial Magistrate cum District Munsiff Court at Ambattur, Tiruvallur District.

2.The petitioner filed a petition seeking maintenance in M.C.No.26 of 2017 on the file of the III Additional Family Court, at Chennai as against the respondent. It has been pending from the year 2017. Now the petitioner sought for transfer of the maintenance case from the file of the III Additional Family Court, at Chennai to the file of the Judicial Magistrate cum District Munsiff Court at Ambattur, Tiruvallur District on the medical ground.

3.The respondent appeared in person and submitted that the first petitioner is an Advocate and she is practicing at Judicial Magistrate cum District Munsiff Court at Ambattur, Tiruvallur District. Already the respondent is facing threat from the side of the petitioner. That apart, the



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maintenance case is pending for cross examination of the second respondent

for the past two years. Further, the petitioner keeps the Interlocutory

Application pending without allowing the trial Court to complete the trial.

When the first petitioner is an Advocate and she is practicing at Judicial

Magistrate cum District Munsiff Court at Ambattur, Tiruvallur District, it

cannot be transferred from the file of the III Additional Family Court, at

Chennai to the file of the Judicial Magistrate cum District Munsiff Court at

Ambattur, Tiruvallur District. The distance between Ambattur to chennai is

very meagre. That apart, though the petitioner raised medical ground for

transfer, it cannot be considered for transfer of maintenance case from the

file of the III Additional Family Court, at Chennai to the file of the Judicial

Magistrate cum District Munsiff Court at Ambattur, Tiruvallur District since

the petitioner shall have to appear before the Ambattur Court for trial.

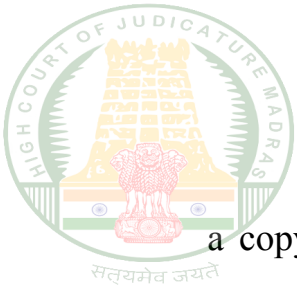
4. Therefore, this Court finds no reasons to transfer the maintenance

case from file of the III Additional Family Court, at Chennai to the file of

the Judicial Magistrate cum District Munsiff Court at Ambattur, Tiruvallur

District and hence, this petition is dismissed. The trial Court is directed to

complete the trial within a period of three months from the date of receipt of



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a copy of this order. If the petitioner proves before the trial Court, with regard to the medical fitness, the trial Court can dispense with the personal appearance of the first petitioner once her cross-examination is over. Consequently, connected miscellaneous petition is closed.

03-04-2025

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To

1. The III Additional Family Court, at Chennai
2. The Judicial Magistrate cum District Munsiff Court at Ambattur, Tiruvallur District.



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G.K. ILANTHIRAIYAN.J.,

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CRL OP NO.8078 of 2025

03.04.2025