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Crl.O.P.No.10217 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.10217 of 2025

1. M.Vandhana

2. Minor Nakshtra
Rep. by her mother & natural
guardian Mrs.M.Vandhana

...Petitioners

Vs.

T.G.Karthik

...Respondent

PRAYER: Criminal Original Petition filed under Section 407 of the Cr.P.C./Section 447 of BNSS, seeking to withdraw the M.C.No.49 of 2021 from the file of the learned Judicial Magistrate No.I Tambaram, Chengalpattu District and to transfer the same to the 2nd Additional Principal Family Court, Chennai.

For Petitioners : Mr.N.S.Suganthan

For Respondent : Mr.J.Vinu Prasanna



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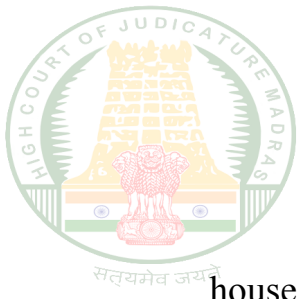
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ORDER

This Criminal Original Petition has been filed seeking to withdraw the M.C.No.49 of 2021 from the file of the learned Judicial Magistrate No.I Tambaram, Chengalpattu District and to transfer the same to the 2nd Additional Family Court, Chennai.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent and perused the materials available on record.

3. Learned counsel for the petitioners submitted that the respondent and the first petitioner are husband and wife. They got married on 27.8.2014 and due to the wedlock, the second petitioner was born on 30.8.2017. There is a matrimonial dispute between the parties. At the time of marriage, 70 sovereigns of gold and a cash of Rs.3 lakhs was given to the respondent by the first petitioner's parents. As she could not give birth to a male child, she was driven out of the matrimonial



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house and is living with the child in her parents' place at Chennai. The respondent filed M.C.No.3705 of 2018 before the Principal Judge, Family Court, Bangalore seeking restitution of conjugal rights, in which, an ex parte decree was granted on 03.1.2019.

4. Thereafter, the first petitioner filed M.C.No.49 of 2021 before the Judicial Magistrate Court No.1, Tambaram, Chengalpet District seeking maintenance from the respondent. In turn, the respondent filed M.C.No. 2009 of 2022 on the file of the learned Principal Family Court, Bangalore seeking divorce under Section 13(1)(i-a) of the Hindu Marriage Act. Pursuant to that, the petitioner filed a transfer petition in Transfer Petition (Civil) No.1502 of 2022 before the Hon'ble Apex Court to transfer M.C.No.2009 of 2022 from the file of the Principal Family Court, Bangaluru to the Family Court, Chennai and it was allowed vide order dated 23.1.2023.

5. Subsequently, the respondent filed O.P.No.991 of 2023 before the Second Additional Family Court, Chennai seeking divorce. In the



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said O.P.No.991 of 2023, the petitioner filed I.A.Nos.2 and 3 of 2023 seeking to reject the main petition and to direct the respondent to pay a monthly maintenance of Rs.30,000/- to the child from the date of petition and to direct him to pay a sum of Rs.10 lakhs towards the educational and other expenses of the child. In both the said interlocutory applications, the respondent filed two separate counters. Further, on 24.4.2024, the main original petition was dismissed for default. However, even on the same day i.e 24.4.2024, the Second Additional Family Court, Chennai allowed I.A.No.3 of 2023 and granted a sum of Rs.25,000/- per month as maintenance to the child. It was further directed that the respondent should continue to pay the maintenance to the child on or before 10th of every succeeding English calendar month.

6. Later, the respondent filed I.A.Nos.4 and 5 of 2024 in O.P.No.991 of 2023 before the Second Additional Family Court, Chennai seeking to condone the delay of 45 days in filing the restoration petition and to restore the original petition, which was dismissed for default on 24.4.2024. Even thereafter, the respondent had not paid the



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maintenance as ordered by the Second Additional Family Court, Chennai. Hence, the first petitioner filed E.P.No.124 of 2024 in I.A.No.3 of 2023 in O.P.No.991 of 2023.

7. According to the learned counsel for the petitioners, it is very difficult for the first petitioner to attend the matrimonial proceedings both before the Second Additional Family Court, Chennai as well as the Judicial Magistrate No.1 Court, Tambaram (where the maintenance case filed by the first petitioner is still pending) simultaneously. Hence, he sought for allowing this petition.

8. Considering the facts and circumstances of the case and also the submissions made by the learned counsel for the petitioners, in order to avoid conflict of decisions between the parties for the same subject matter and also in the interest of justice, this Court is inclined to allow this criminal original petition.



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9. Accordingly, the case in M.C.No.49 of 2021 from the file of Judicial Magistrate No.1, Tambaram is transferred to the file of the Second Additional Family Court, Chennai so as to be tried along with O.P.No.991 of 2023 filed by the respondent.

10. With the above said direction, this Criminal Original Petition is allowed.

04.6.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.I Tambaram, Chengalpattu District

2. The 2nd Additional Family Court, Chennai



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P.VELMURUGAN, J.

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