



WEB COPY



Crl.O.P.No.17177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

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

Crl.O.P.No.17177 of 2024

P. Pitchaimani

...Petitioner

Vs

1. P.Jayalakshmi
2. Minor P.J.Sumanth
3. Minor P.J.Divya

...Respondents

Respondents 2 & 3 are minor and they are represented by their mother, Natural guardian/1st respondent

Prayer: Criminal Original Petition is filed under Section 407 of Code of Civil Procedure, to withdraw the M.C.No.5 of 2024 pending on the file of the Judicial Magistrate No.I, Sankari and transfer the same to the Family Court, Erode.

For Petitioner : Mr.Jayamalan

ORDER

This Criminal Original Petition has been filed for transfer of M.C.No.5 of 2024 from the file of the learned Judicial Magistrate No.I, Sankari to the Family Court, Erode.



CrI.O.P.No.17177 of 2024

WEB COPY

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record. Though notice has been served on the respondents and their names are printed in the cause list, none appeared on behalf of the respondents, either in person or through a pleader.

3. It is seen from the records that the petitioner is the husband of the first respondent. They got married on 29.05.2017 and due to misunderstanding, they got separated. Meanwhile, the petitioner filed a petition seeking divorce in HMOP No.80 of 2023 on the file of the learned Principal Subordinate Judge, Dindigul. On the petition filed by the first respondent for transfer of divorce petition in Tr.CMP.(MD).No.457 of 2023, the Hon'ble Madurai Bench of this Court by order dated 09.02.2024 transferred the divorce petition in HMOP.No.80 of 2023 to the Family Court, Erode, since the respondents are residing at Sankari. Though it is coming under the Salem district it is near by Erode. After transfer of divorce petition, the first respondent filed maintenance case in M.C.No.5 of 2024 seeking interim maintenance against the petitioner on the file of the Judicial Magistrate No.I, Sankari.



Crl.O.P.No.17177 of 2024

Therefore, the petitioner sought for transfer of M.C.No.5 of 2024 from the file of learned Judicial Magistrate No.1, Sankari to Family Court, Erode, since the divorce petition is already pending on the file of the Family Court, Erode.

4. Considering the facts and circumstances of the case, this Court is inclined to transfer the M.C.No.5 of 2024 from the file of the learned Magistrate No.1, Sankari to the Family Court, Erode.

5. Accordingly, the criminal original petition is allowed.

07.02.2025

dpq
Index: Yes/No
Internet: Yes/No

To
1. The Judicial Magistrate No.I,
Sankari.

2. The Family Court,
Erode.



WEB COPY



CrI.O.P.No.17177 of 2024

G.K. ILANTHIRAIYAN,J.

dpq

CrI.O.P.No.17177 of 2024

07.02.2025