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Crl.O.P.No.18267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.18267 of 2024

and

Crl.O.P.No.10791 of 2024

1. N.Vijayashree
2. S.Shreeshivani

... Petitioners

Vs

S.T.SundaraBabu

... Respondent

Criminal Original Petition is filed under Section 407 of Cr.P.C., to withdraw and transfer MC No.558 of 2019 on the file of V Additional Family Court, Chennai to the file of the District Munsif-cum-Judicial Magistrate Court, Pallavaram, Chengalpattu District.

For Petitioners : Mr. P.S.Kothandaraman

For Respondent : Mr.S.V.Navin Prabhu
for Ms.V.Vaijyanthimala

ORDER



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This Criminal Original Petition has been filed to transfer the Maintenance Case in M.C. No. 558 of 2019 from the file of the V Additional Family Court, Chennai, to the file of the District Munsif-cum-Judicial Magistrate Court, Pallavaram, Chengalpattu District.

2. The first petitioner got married to the second respondent on 21.04.2013. Thereafter, they gave birth to the second petitioner. After a few years, they developed a misunderstanding between them and as such, the petitioners were separated from the respondent and have been living separately. Hence, they could not maintain themselves and they filed a petition for maintenance in M.C. No. 558 of 2019 before the V Additional Family Court, Chennai. Now, the petitioners have been driven out from the matrimonial home and as such, they have been residing with the first petitioner's parents in their house within the jurisdiction of Pallavaram. Therefore, the petitioner has sought the transfer of the Maintenance Case.

3. The learned counsel for the petitioners would submit that the



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respondent filed a divorce petition in O.P. No. 2308 of 2017 before the VI Additional Family Court, Chennai and on the petition filed by the petitioner, it was transferred to the file of the Sub Court, Tambaram.

4. The learned counsel for the respondent would submit that the petitioner filed a domestic violence case and it is pending before the I Additional Mahila Court, Egmore, Chennai. Therefore, when the first petitioner is attending a complaint filed under the Domestic Violence Act, there is absolutely no difficulty for her to attend the Maintenance Case.

5. Heard the learned counsel for both sides and perused the materials available on record.

6. On a perusal of records, it reveals that the petitioner also filed a suit in O.S. No. 173 of 2022 as against the respondent, not to alienate the property owned by him. It was also transferred from the V Additional Family Court, Chennai, to the file of the District Court, Chengalpattu, by order dated 06.11.2024 in Tr.C.M.P. No. 723 of 2024.



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7. In view of the above, this Court is inclined to transfer the maintenance case filed by the petitioner. Accordingly, M.C. No. 558 of 2019 is hereby directed to be withdrawn from the file of the V Additional Family Court, Chennai and transferred to the file of the District Munsif-cum-Judicial Magistrate Court, Pallavaram, Chengalpattu District.

8. With the above directions, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

18.02.2025

Index: Yes/No
Neutral Citation: Yes/No
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To

1. The V Additional Family Court, Chennai.
2. The District Munsif-cum-Judicial Magistrate Court, Pallavaram, Chengalpattu District.



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G.K.ILANTHIRAIYAN, J.

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