



CrI.O.P.(MD)Nos.2890 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CrI.O.P.(MD)No.2890 of 2025

and

CrI.M.P.(MD)No.1960 of 2025

Srihari

... Petitioner

Vs.

Pallavi

... Respondent

PRAYER: Petition filed under Sections 447 (1)(c) r/w 528 of BNSS 2023, to withdraw and transfer the Maintenance Case in M.C.No.85 of 2024, pending on the file of the Hon'ble Family Court, Tiruchirappalli, to the file of the Hon'ble Family Court, Coimbatore.

For Petitioner : Mr.G.Vishnu Ram

For Respondent : Mr.D.Anbarasu



CrI.O.P.(MD)Nos.2890 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed to withdraw and transfer the Maintenance Case in M.C.No.85 of 2024, pending on the file of the Family Court, Tiruchirappalli, to the file of the Family Court, Coimbatore.

2.Learned Counsel for the petitioner would submit that the petitioner is the husband of the respondent and there is a matrimonial dispute pending between the parties and the respondent filed maintenance case before the Trichy Family Court and the same is pending. Out of the wedlock between the petitioner and the respondent, a female child was born on 14.04.2020 and now the female child is under the custody of the petitioner. He has to attend the case proceedings before the Family Court at Trichy from Coimbatore. Therefore, he prays for transferring the pending proceedings to Family Court, Coimbatore.

3.Learned Counsel for the respondent would submit that the petitioner took the custody of the minor child aged about four years and the petitioner failed to maintain the respondent and thereby, filed a petition. If the case is



CrI.O.P.(MD)Nos.2890 of 2025

WEB COPY

transferred to Family Court, Coimbatore, then the respondent has to travel for more than 200 Kms.

4.This Court heard the learned Counsel on either side and perused the materials available on record.

5.The prayer of the petitioner is to transfer the case in M.C.No.85 of 2024, pending on the file of Trichy to Family Court, Coimbatore, on the ground that the petitioner has to travel from Coimbatore to Trichy. He also has a four year old minor child and it is very difficult to travel. While so, the respondent also objected on the same ground that she has to travel from Trichy to Coimbatore. Since both the parties have to travel more than 200 Kms and the case is pending before the Family Court, Trichy, it is appropriate to dispense with the personal appearance of the petitioner before the trial Court and the trial Court can issue summon as and when required for the appearance of the petitioner, if his presence is absolutely necessary. Accordingly, ordered.



CrI.O.P.(MD)Nos.2890 of 2025

WEB COPY

6.With the above observation, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

04.03.2025

Neutral Citation : Yes / No

Index : Yes / No

MR



WEB COPY



CrI.O.P.(MD)Nos.2890 of 2025

To

1.The Family Court,
Tiruchirappalli.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)Nos.2890 of 2025

P.DHANABAL, J.

MR

Order made in
CrI.O.P.(MD)No.2890 of 2025

Dated:
04.03.2025