



WEB COPY

TR CMP No. 238 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

**TR CMP No. 238 of 2026
and CMP No.7883 of 2026**

P. Ramachandran
S/o. Pushparaj,
No.7/7, Varadhanar Street,
Vedachalam Nagar,
Chengalpet 603 001.

..Petitioner(s)

Vs

1. Sasikala Chandrasekar
D/o. P. Chandrasekar,
W/o. P. Ramachandran,
No.7/640, Anjugam Nagar,
Nanthampakkam,
Kundrathur.
Currently residing at
93, Kinross Crescent Luton,
LU3 EJX, UK.

2. Minor Yaytra
D/o. P. Ramachandran,
Represented by Guardian Mother
Sasikala Chandrasekar,
No.7/640, Anjugam Nagar,
Nanthampakkam,
Kundrathur.

..Respondent(s)

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908, to order withdrawal of Maintenance Case in M.C. No.23 of 2025 on the file of the Judicial Magistrate Sriperumbudur and transfer the same to the file of the II-Additional Principal Judge, Family Court at Chennai and be tried along with the Original Petition in OP No.5026 of 2025.



For Petitioner(s) : Mr.R Abdul Mubeen

For Respondent(s): Mr.M.Karpagam

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ORDER

Heard the learned counsel for the petitioner (husband) and the learned counsel for the respondent (wife).

2. The petitioner (husband) would aver that he is presently employed at Yes Bank, Saligramam Branch, Chennai and he is residing at Vedachalam Nagar, Chengalpet. He would further aver that he finds it difficult to undertake travel of about 40 kms to Sriperumbudur to attend the maintenance case proceedings and he being a bank employee cannot avail frequent leave to attend both OP and MC proceedings in two different districts on different dates as it would adversely affect his professional performance, results in loss of pay and would cause him inconvenience and hardship.

3. The learned counsel for the petitioner (husband) would reiterate the grounds set out in the petition and seeks for transfer of the aforesaid MC from the file of the Judicial Magistrate Court, Sriperumbudur to the file of learned II-Additional Principal Judge, Family Court, Chennai to be tried along with OP No.5026 of 2025 filed for dissolution of marriage.

4. The petitioner (husband) is working in Chennai in a private bank. The



respondent is currently employed in UK. It is also relevant to note that OP.

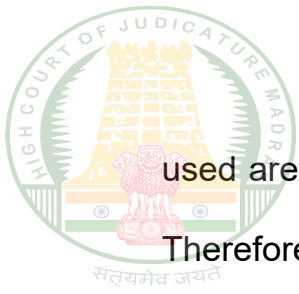
No.5026 of 2026 instituted by the husband is pending before the learned II-

Additional Principal Judge, Family Court, Chennai. The request of the petitioner is that instead of Judicial Magistrate Court, Sriperumbudur, if the maintenance case is transferred to the II-Additional Principal Judge, Family Court, Chennai, it will be convenient for him to attend the Court proceedings and he would avoid availing leave. More so, the respondent / wife is currently employed in UK.

5. MC.No.23 of 2025 is pending before the Judicial Magistrate Court, Sriperumbudur.

6. A careful perusal of the proceedings under Section 125 Criminal Procedure Code, 1973 (Cr.P.C) are in the nature of civil proceedings. As regards the nature of the right is concerned, the rights of destitute wife or a minor claiming maintenance is essentially civil rights and the remedies provided are in the nature of civil rights.

7. Chapter 9 of the Cr.P.C. is a self-contained one. The procedure laid down in this Chapter (Chapter 9) is enacted as a matter of social justice and it is relevant to note that the procedure laid down in this Chapter is different from other Chapters of the Code. As regards the nature of the proceedings, it is civil in nature. Obviously, the jurisdiction of the Magistrate is not strictly criminal jurisdiction. It is relevant to refer to Section 24 of the CPC. The words



used are “suit, appeal or other proceedings.” Maintenance case is not a suit.

Therefore, maintenance can be brought under the other proceedings. Section

24 has got a vital scope and the maintenance can be brought under other proceedings. Transfer petition with regard maintenance case is maintainable under Section 24 of the Code of Civil Procedure. Therefore, this Court is of the considered opinion that in exercise of power of transfer under Section 24 of CPC, this Court can transfer proceedings under Section 125 of Cr.P.C.

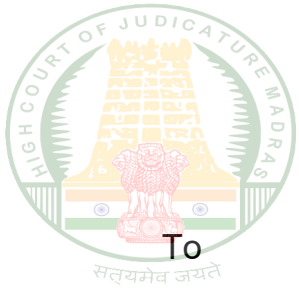
8. In consideration of the grounds urged by the petitioner and as mentioned supra, the request of the petitioner herein / husband appears to be based on justifiable cause and accordingly, this Transfer Civil Miscellaneous Petition is allowed. Sequel to this, M.C.No.23 of 2025 pending on the file of the Judicial Magistrate, Sriperumbudur, is withdrawn and transferred to the file of the learned II-Additional Principal Judge, Family Court, Chennai. The learned Judicial Magistrate, Sriperumbudur, shall send the case records to the learned II-Additional Principal Judge, Family Court, Chennai, forthwith. The learned II-Additional Principal Judge, Family Court, Chennai, on receipt of the records, shall take all effective steps to try and dispose of the Maintenance Case, in accordance with law at the earliest. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

01-06-2026

Index: Yes/No

Neutral Citation: Yes/No

MAC



To

1. The II-Additional Principal Judge, Family Court, Chennai
2. The Judicial Magistrate Sriperumbudur



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R.KALAIMATHI, J.

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