

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.09.2015

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Cr1.OP No.18598 of 2009 and

M.P.No.1 of 2009

R.Nandhini

..Petitioner

Vs

T.Ragunathan

..Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to withdraw M.C.No.7 of 2008 from the file of the learned Judicial Magistrate, Sathiyamangalam and transfer the same to the Family Court, Coimbatore or any Judicial Magistrates in Coimbatore City.

For Petitioner : Mr.S.Subbiah

For R.1 : No Appearance

ORDER

The petitioner is the wife of the respondent. The petitioner filed M.C.No.7 of 2008 on the file of the learned Judicial Magistrate, Sathiyamangalam under Section 125 Cr.P.C., for maintenance. Seeking transfer of the said case to the Family Court at Coimbatore, the petitioner has come up with this petition.

2. Notice sent to the respondent could not be served and therefore, I have heard the learned counsel for the petitioner and perused the records carefully.

3. The only ground upon which this petition has been filed is that, the respondent had earlier filed H.M.O.P.No.3/2008 on the file of the learned Subordinate Judge, Gopichettipalayam for divorce. One Mr.K.Ramesh, is the Advocate engaged by her husband. It is stated that Mr.K.Ramesh, is preventing her from conducting the case freely.

4. In my considered view, there is no substance in the said allegations made. If anybody prevents her from conducting the said case properly, it is for her to give complaint. A claim for maintenance is to be conducted in an expeditious manner, so as to settle it, at the earliest point of time and the same cannot be allowed to be prolonged for such a long time. Further, the present Criminal Original Petition is pending from the year 2009 and since, this Court granted interim stay in this matter, the trial in this case

could not be proceeded with by the trial Court. The only ground raised by the petitioner for transfer of the said case as stated above cannot be accepted by this Court.

5. In view of all the above, the Criminal Original Petition is dismissed however, with a direction to the Judicial Magistrate, Sathiyamangalam, to dispose of the case in M.C.No.7 of 2008, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Jbm

Sd/-
Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Sathiyamangalam.

+1 C.C. To MR.S.Subbiah, Advocate in SR.NO.52857

Crl.OP No.18598 of 2009

TS (CO)

sd : 29/10/2015

सत्यमेव जयते

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