



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2015

CORAM :

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

TR.CMP(MD)No.12 of 2015
and
M.P(MD)No.1 of 2015

M.Vinothkumar ... Petitioner

Vs.

Charlyn Pushpalatha ... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in M.C.No.44/2014 pending on the file of Chief Judicial Magistrate, Nagercoil, and transfer the same to the file of any other court at Madurai.

For Petitioner : Mr.K.Samidurai

O R D E R

The petitioner is the husband. He filed IDOP.No.36 of 2014 on the file of the Family Court, Madurai, seeking dissolution of marriage. The respondent/wife filed M.C.No.44 of 2014 before the Chief Judicial Magistrate, Nagercoil. The husband has filed this petition seeking transfer of M.C.No.44 of 2014 from the file of the Chief Judicial Magistrate, Nagercoil, to any other Court in Madurai.

2.The petitioner is the Assistant Professor in Anna University while the respondent/wife is a student. Learned counsel for the petitioner has submitted that if the maintenance case is transferred to Madurai, the matter could be amicably settled.

3.I am not able to appreciate the submission made by the learned counsel for the petitioner, particularly, when the petitioner filed a petition seeking dissolution of marriage. Further, the maintenance case has been filed by the wife under Section 125 of the Criminal Procedure Code. The proceedings under Section 125 Cr.P.C. could be disposed of summarily unlike the IDOP case, since it would consume longer time.



4. For the aforesaid reasons, I am not inclined to entertain this petition. The Transfer Civil Miscellaneous Petition is dismissed accordingly. Consequently, M.P(MD)No.1 of 2015 is closed. No costs.

WEB COPY

Sd/-

Assistant Registrar(C.O.,)

/True Copy/

Sub-Assistant Registrar

To

The Chief Judicial Magistrate, Nagercoil.

+1cc to Mr.K.Samidurai, Advocate, in SR. No.3521.

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