



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Cr1.O.P.(MD) No.7426 of 2013

Maharajan .. Petitioner/Respondent

-Vs-

Mariammal .. Respondent/Petitioner

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to withdraw the above M.C.No.5 of 2013 on the file of Learned Judicial Magistrate, Srivaikuntam and transfer the same to any other appropriate Court at Thoothukudi.

For Petitioner : Mr.N.Mohideen Basha

For Respondent : No appearance

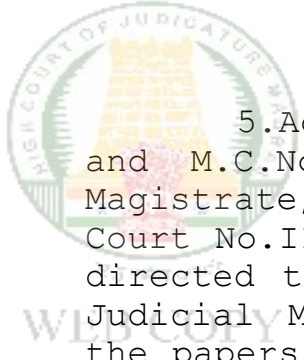
O R D E R

This Criminal Original Petition has been filed seeking transfer of the proceedings in M.C.No.5 of 2013 from the file of the learned Judicial Magistrate, Srivaikuntam to any other Court at Thoothukudi.

2.Heard the learned counsel for the petitioner and perused the materials available on record. Despite service of notice on the respondent, she has not chosen to contest the petition.

3.The petitioner is the husband of the respondent. She has filed a maintenance case before the Judicial Magistrate, Srivaikuntam in M.C.No.5 of 2013. The petitioner has alleged in the affidavit filed in support of the petition that on 28.03.2013, when he went to attend the case, he was threatened by the father of the respondent along with three other person. So, he is having life threat at Srivaikuntam. He is ready to contest the case if it is transferred to any other Court.

4.Considering the allegations made in this application, this Court is of the opinion that the case may be transferred to Judicial Magistrate No.II, Thoothukudi.



5. Accordingly, this Criminal Original Petition is allowed and M.C.No.5 of 2013, pending on the file of the Judicial Magistrate, Srivaikuntam is transferred to the Judicial Magistrate Court No.II, Thoothukudi. The Judicial Magistrate, Srivaikuntam is directed to send all papers connected to M.C.No.5 of 2013 to the Judicial Magistrate No.II, Thoothukudi forthwith. On receipt of the papers, the Judicial Magistrate No.II, Thoothukudi is directed to dispose of the same on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To:

1.The Judicial Magistrate,
Srivaikuntam.

2.The Judicial Magistrate No.II,
Thoothukudi.

+1 cc to M/s.N.Mohideen Basha, Advocate in SR.No. 78258

sj

CSL/GSV-SV/12.01.2017 : 2P/4C

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