



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.12082 of 2017

and

CRL.M.P(MD)No.8342 of 2017

Nagalakshmi

... Petitioner/Petitioner

-Vs-

R.Anand Kumar.

... Respondent/Respondent

PRAYER: Criminal Original petition filed under Section 407 of Criminal Procedure Code, to withdraw M.C.No.5 of 2017 on the file of Judicial Magistrate No.2, Virudhunagar and transfer the same to the file of the Family Court, Madurai to be tried along with H.M.O.P.No.610 of 2015.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.G.S.Ashok Adhithyam

O R D E R

This Criminal Original petition has been filed to withdraw the proceedings in M.C.No.5 of 2017, on the file of the Judicial Magistrate No.2, Virudhunagar and transfer the same to the file of the Family Court, Madurai to be tried along with H.M.O.P.No.610 of 2015.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3.It is stated by the learned counsel for the petitioner that the respondent/husband filed H.M.O.P.No.847 of 2014 before the Family Court, Trichy and the same was transferred to Family Court, Madurai and renumbered as H.M.O.P.No.610 of 2015, which is now pending before the Family Court, Madurai. Though the petition in M.C.No.5 of 2017 was originally presented before the Family Court, Madurai, it is stated by the learned counsel for the petitioner that the same was returned as the Family Court, Madurai has no jurisdiction. Hence, M.C.No.5 of 2017 was filed before the Judicial Magistrate No.II, Virudhunagar. Since the petitioner is



the wife and the respondent is the husband, it would be convenient for both parties if H.M.O.P.No.610 of 2015 and M.C.No.5 of 2017 are tried together at Family Court, Madurai.

4. Since the respondent has no serious objection to transfer the proceedings in M.C.No.5 of 2017 to the Family Court, Madurai, this transfer application is allowed and the proceedings in M.C.No.5 of 2017 on the file of the Judicial Magistrate No.II, Virudhunagar is ordered to be transferred to the Family Court, Madurai, which shall try the H.M.O.P.No.610 of 2015 along with M.C.No.5 of 2017 and dispose of the same in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.2, Virudhunagar.
2. The Judge. Family Court, Madurai.

+ 1 CC TO Mr.R.J.KARTHICK, ADVOCATE IN SR No. 81613

+1 cc to Mr.G.S.Ashok Adhithyam, Advocate SR.No.32135

SSS/SKN

TE/JC/SAR-I : 20/10/2017 : 2P/5C

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