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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2017

CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

CrI.O.P.(MD)No.13222 of 2016

and

CrI.M.P(MD)No.6188 of 2016

1.Jesu Khans

2.Pushparani

: Petitioners/Respondents

Vs.

J.Jerinamary Victoria

: Respondent/Petitioner

Prayer: This petition is filed under Section 407 of Cr.P.C., to withdraw the M.C.No.5 of 2013 on the file of the Judicial Magistrate No.II, Srivilliputhur and transfer the same to Judicial Magistrate Court, Pudukottai.

For Petitioner : M/s.M.Sakunthala Devi
for Mr.N.Balakrishnan

For Respondent : Mr.S.Subbiah

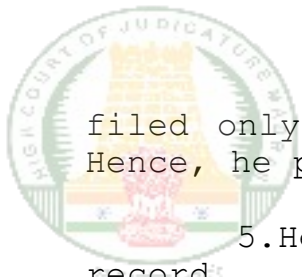
O R D E R

This petition is filed to withdraw the M.C.No.5 of 2013 on the file of the Judicial Magistrate No.II, Srivilliputhur and transfer the same to Judicial Magistrate Court, Pudukottai.

2.The learned counsel appearing for the petitioners would contend that the respondent is the wife of the first petitioner and due to matrimonial tiff, the respondent has filed a maintenance case in M.C.No.5 of 2013 before the Judicial Magistrate No.II, Srivilliputhur and that the petitioner has also filed IDOP No.1 of 2015 for dissolution of marriage before the District Court, Srivilliputhur.

3.It is further submitted that the respondent is working as a teacher in a Government School at Pudukottai and hence, the case pending on the file of the Judicial Magistrate No.II, Srivilliputhur has to be transferred to any competent court at Pudukottai, for disposal.

4.The learned counsel appearing for the respondent would contend that the trial had already commenced in the above maintenance case and it is in part heard stage and this petition is



filed only to drag on the trial of the case in M.C.No.5 of 2013. Hence, he prayed for the dismissal of the petition.

5. Heard both sides and perused the materials available on record.

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6. It is seen from the records that the first petitioner is working in HDFC Bank at Coimbatore and he settled his family at Coimbatore. The first petitioner filed IDOP No.1 of 2015 on the file of the Family Court, Srivilliputhur, for dissolution of marriage. Later, the said case was transferred to the Principal District Court, Pudukkottai, based on the order passed by this court in Tr.CM.P.(MD)No.197 of 2015, dated 16.07.2015.

7. It is admitted on the side of the respondent that she is working in Government Higher Secondary School at Keeramangalam, Pudukkottai District.

8. In view of the above circumstances, this court is of the considered view that for the convenience of both parties, the case in M.C.No.5 of 2013 pending on the file of the Judicial Magistrate No.II, Srivilliputhur, may be transferred to Judicial Magistrate No.I, Pudukkottai, for disposal.

9. Hence, this petition is **allowed** and the case in M.C.No.5 of 2013 is transferred from the file of the Judicial Magistrate No.II, Srivilliputhur, to the file of the Judicial Magistrate No.1, Pudukkottai, for disposal according to law. Consequently, connected Miscellaneous Petition is closed.

SD/-

ASSISTANT REGISTRAR(CS-I)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To,

1. The Judicial Magistrate No.II,
Srivilliputhur.

2. The Judicial Magistrate No.1,
Pudukkottai.

+1 CC TO MR. N.BALA KRISHNAN, ADVOCATE, SR NO.7797

ER

MAS/MR:20.02.2017:2P/4C