



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.12.2016

CORAM
THE HON'BLE MR.JUSTICE G.CHOCKALINGAM
Crl.O.P.(MD) No.18426 of 2016
and
Crl.M.P.(MD)No.9175 of 2016

Ravikumar : Petitioner/Respondent

-VS-

Anushiya : Respondent/Petitioner

Prayer : Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, praying to withdraw the case in M.C.No.4 of 2015 on the file of the Judicial Magistrate Court, Thirumangalam and to transfer the same to the file of the Judicial Magistrate Court No.1, Sivagangai and tried the same with M.C.No.1 of 2016 on the file of the Judicial Magistrate Court No.1, Sivagangai.

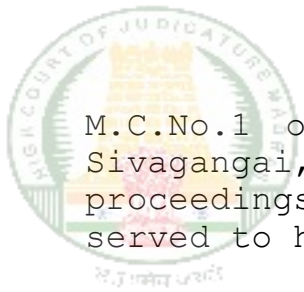
For Petitioner : Mr.R.Muthamil Rajan

For Respondent : Mr.P.Ganapathi Subramanian

O R D E R

This petition has been filed, seeking to withdraw the case in M.C.No.4 of 2015 on the file of the Judicial Magistrate Court, Thirumangalam and to transfer the same to the file of the Judicial Magistrate Court No.1, Sivagangai and tried the same with M.C.No.1 of 2016 on the file of the Judicial Magistrate Court No.1, Sivagangai.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the husband of the respondent and he had originally filed the matrimonial proceedings as against the respondent herein in H.M.O.P.No.136 of 2014 on the file of the Family Court, Sivagangai, for divorce and the respondent had also filed another petition in H.M.O.P.No.63 of 2015 on the file of the Sub Court at Madurai Camp Court at Thirumangalam for restitution of conjugal rights. The respondent has filed a transfer Original Petition before this court to transfer the HMOP No.136 of 2014 on the file of the Family Court, Sivagangai to the Sub (Camp Court) at Thirumangalam and thereafter, the petitioner filed a suit for declaration injunction against the respondent with regard to some property in O.S.No.155 of 2015 on the file of the Sub Court, Sivagangai and in that suit plaintiff given the residential address at Okur Village, Sivagangai. In the meantime, the petitioner filed



M.C.No.1 of 2016 on the file of the Judicial Magistrate Court, Sivagangai, claiming maintenance from the respondent. In that proceedings also, Okur Village address was given and summons were served to her on the said address.

3.It is further submitted that the petitioner was attacked by the rowdy elements on the instigation of the respondent to acquire all the properties in an illegal manner and he was admitted in the hospital in coma stage for more than one month and thereafter, taking treatment for some time and now, he was not able to attend the case in M.C.No.4 of 2015 on the file of the Judicial Magistrate, Thirumangalam due to his ill-health and now, the case is in trial stage. Hence, he prayed that the case M.C.No.4 of 2015 on the file of the Judicial Magistrate, Thirumangalam, may be transferred to the Judicial Magistrate Court No.I, Sivagangai and tried the same with M.C.No.1 of 2016.

4.The respondent denied the allegations made in the application filed in support of this transfer petition.

5.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the entire materials available on record.

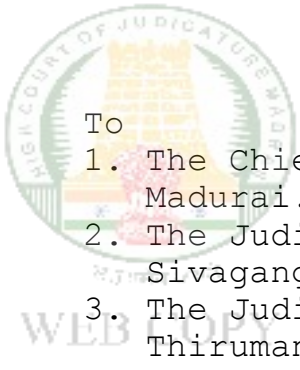
6.In view of the submissions made on either side and also considering the facts and circumstances of this case, this court is of the considered view that both the Maintenance cases have to be transferred to the Chief Judicial Magistrate, Madurai, for disposal.

7.Accordingly, the petition is allowed and the petition in M.C.No.4 of 2015 on the file of the Judicial Magistrate, Thirumangalam and M.C.No.1 of 2016 on the file of the Judicial Magistrate No.1, Sivagangai, are ordered to be withdrawn from its file and transferred to the file of the Chief Judicial Magistrate, Madurai, for disposal, in the manner known to law. The transferor Courts are ordered to transmit the entire records forthwith to the file of transferee Court, without any delay and the transferee Court (Chief Judicial Magistrate, Madurai), after obtaining the records on transfer, is directed to post the both cases, on day today basis and dispose the same within a period of three weeks from the date of receipt of the case records. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar



To

1. The Chief Judicial Magistrate,
Madurai.
2. The Judicial Magistrate No 1
Sivagangai.
3. The Judicial Magistrate,
Thirumangalam.

+1cc to M/s P.Ganapathi Subramnian, Advocate SR No 83372

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ms/pm/am/18.01.2017/3p.5c

Cr1.O.P. (MD) No.18426 of 2016
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