



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2017

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Cr1.O.P.(MD) No.23939 of 2016

K.Parameshwari

: Petitioner/Petitioner

-vs-

M.P.Krishnan

: Respondent/Respondent

Prayer : Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, to transfer the case in M.C.No.19 of 2004 on the file of the Judicial Magistrate No.1, Usilampatti, Madurai District to the Judicial Magistrate, Kodaikanal, Dindigul District.

For Petitioners

: M/s.P.Banuprasath

For Respondent

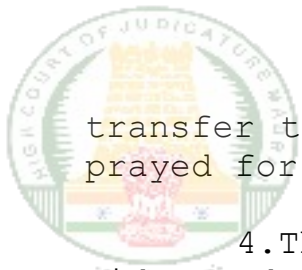
: Mr.M.Muthugeethayan

O R D E R

This petition has been filed, seeking to transfer the case in M.C.No.19 of 2004 on the file of the Judicial Magistrate No.1, Usilampatti, Madurai District, to the Judicial Magistrate, Kodaikanal, Dindigul District, for disposal.

2.The learned counsel appearing for the petitioner would submit that the petitioner and the respondent are residing in Urappatti Village, Kodaikanal and hence, the case filed by the petitioner in M.C.No.19 of 2004 on the file of the Judicial Magistrate No.1, Usilampatti, Madurai District, may be transferred to the Judicial Magistrate, Kodiknal, for disposal.

3.Per contra, the learned counsel appearing for the respondent would submit that the trial of the case in M.C.No.19 of 2004 was almost over and it is only posted for final disposal and at this stage, if the case is transferred to Kodaikanal, where the respondent is residing, as contended by the petitioner, the respondent will be put to irreparable loss and hardship. It is further submitted that even though, the respondent has given his residential address as Urapatti, Kodaikanal, it is not a ground to



transfer the petition as sought for by the petitioner. Hence, he prayed for the dismissal of the petition.

4.This court heard the submission made on behalf of both sides and perused the materials available on record.

5.It is seen from the records that now, the case in M.C.No.19 of 2004 was in the final hearing stage. If at all the said case is transferred to some other court, it will cause great prejudice to both the parties.

6.Hence, this court is of the considered view that the relief sought for by the petitioner cannot be granted.

7.In the result, this petition is **dismissed**.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To,

The Judicial Magistrate No.1,
Usilampatti, Madurai District.

+1 cc to M/s.M.Muthugeethayan, Advocate in SR.No. 5121

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CSL/MR/27.02.2017 : 2P/3C

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