

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CrI.OP.No.7136 of 2013

and

M.P.No.1 of 2013

S.Dhanasekar @ Thangaraj

... Petitioner

Vs.

1. Amarjothi @ Gandhi
2. Udhaya Shree (minor)
Minor rep by her mother
and natural guardian
Amarjothi @ Gandhi

... Respondents

PRAYER: Criminal Original Petition filed under Section 407 (1) of Cr.P.C, prayed to withdraw the maintenance case in M.C.No.1 of 2013 from the file of the Judicial Magistrate Court, Tiruchengodu, Namakkal District and to transfer the same to the Judicial Magistrate Court, Bhavani, Erode District.

For Petitioner : Mr.P.M.Duraiswamy

For Respondents : Mr.A.Gokula Krishnan

ORDER

This petition has been filed by the respondent in M.C.No.1 of 2013 on the file of the Judicial Magistrate Court, Tiruchengodu to transfer the said M.C.No.1 of 2013 from the Judicial Magistrate Court, Tiruchengodu, Namakkal District to the Judicial Magistrate Court, Bhavani, Erode District.

2. The learned counsel for the petitioner has submitted that the petitioner is the husband and the first respondent is the wife and the second respondent is the daughter. He further submitted that the petitioner is residing at Komarayanur Village, Bhavani Taluk, Erode District and the respondents are residing at Komarapalayam, Thiruchengodu Taluk, Namakkal District. The respondents have filed a Maintenance Case under Section 125 Cr.P.C in M.C.No.1 of 2013 on the file of the Judicial Magistrate Court, Tiruchengodu, Namakkal District. He further submitted that the distance between the petitioner's

residence and the Judicial Magistrate Court, Thiruchengodu is 65 Kms and the distance between the respondents' residence and the Court of Judicial Magistrate, Thiruchengodu is 23 Kms. He further submitted that the Court of Judicial Magistrate, Bhavani, is just 2 Kms away from the residence of the respondents and if the case in M.C.1 of 2013 is transferred from the Court of Judicial Magistrate, Tiruchengodu to the Court of Judicial Magistrate, Bhavani, Erode District, that would be very convenient to both parties to appear before the said Court and therefore, he requests to transfer the M.C.No.1 of 2013 to the Court of Judicial Magistrate, Bhavani.

3. The learned counsel for the respondents has submitted that the respondents are residing within the jurisdiction of the Judicial Magistrate, Tiruchengodu, and hence they have filed M.C.No.1 of 2013 before that Court and therefore, the case in M.C.No.1 of 2013 need not be transferred to the Court of Judicial Magistrate, Bhavani which is situated in neighbouring district. He further submitted that he has to verify as to whether the above M.C.No.1 of 2013 is still pending.

4. It is not disputed that the respondents are residing at just 2 Kms away from the Court of Judicial Magistrate, Bhavani. In such a case, if the case in M.C.No.1 of 2013 is transferred to the Court of Judicial Magistrate, Bhavani that would not cause any inconvenience to the respondents. Therefore, this Court is inclined to allow this petition.

5. In the result, this petition is allowed. The Judicial Magistrate, Tiruchengodu, Namakkal District is directed to transfer M.C.No.1 of 2013 to the Court of Judicial Magistrate, Bhavani, Erode District if the aforesaid case is not already disposed of. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

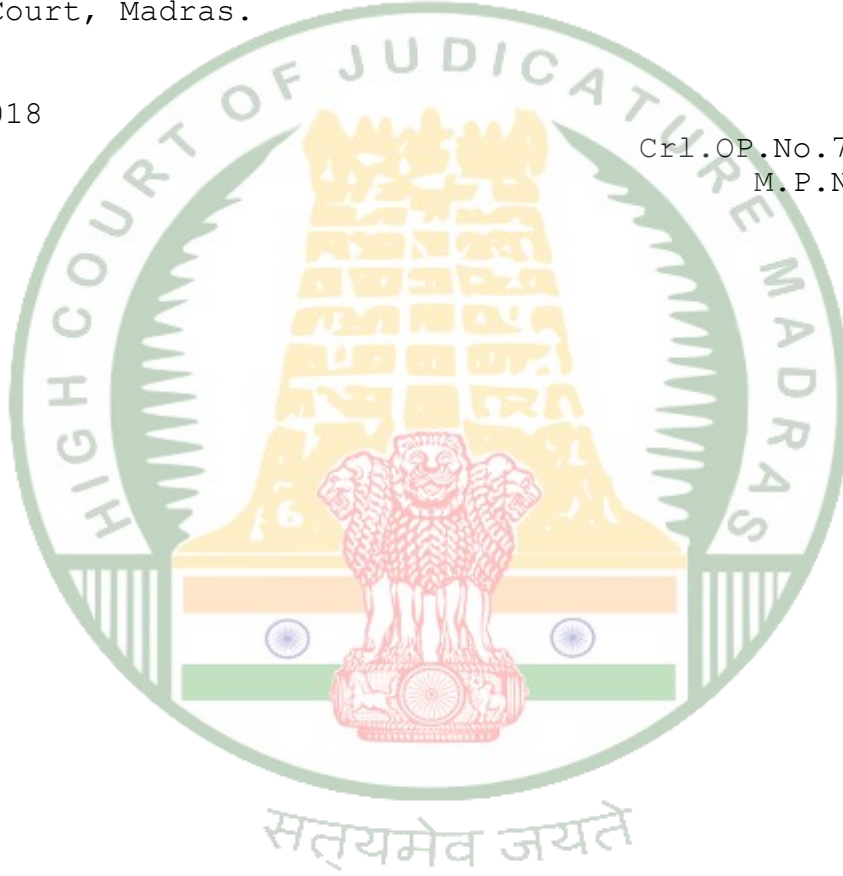
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To

1. The Judicial Magistrate Court,
Tiruchengodu,
Namakkal District
2. The Judicial Magistrate Court,
Bhavani, Erode District.
3. The Public Prosecutor,
High Court, Madras.

KS(CO)
sM:24.9.2018

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