

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.8452 of 2015
and M.P.No.1 of 2015

David Joe Armstrong ... Petitioner

Vs.

Alice Melitta ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to order for the withdrawal of M.C.No.175/2014 now pending on the file of the I Additional Family, Chennai and transfer the same to the Court of the Chief Judicial Magistrate, Kanyakumari District.

For Petitioner : Mr.A.Amal Raj

For Respondent : Mr.A.S.Narasimha

ORDER

The prayer sought for in the present petition is to order for the withdrawal of M.C.No.175/2014, now pending on the file of the I Additional Family, Chennai and transfer the same to the Court of the chief Judicial Magistrate, Kanyakumari District.

2. The grounds raised by the learned counsel for the petitioner is that the respondent herein, had filed a petition seeking for maintenance before the I Additional Family, Chennai only for the purpose of harassing the petitioner herein. Admittedly, the respondent herein is residing in Chennai and as such there is no jurisdictional error on the part of the Family Court. The other ground raised by the petitioner is that he has certain medical ailments and therefore he could not travel for every hearing from Kanyakumari to Chennai.

3. In my view, such a ground also may not be available to the petitioner seeking for transfer of the entire proceedings. It can only be stated that had the petitioner co-operated in the proceedings, the same would have ended up long back.

4. In the absence of any valid grounds to transfer the entire proceedings from Chennai to Kanyakumari, the Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS VIII)

//True copy//

Sub Assistant Registrar

dh

To

1.The I Additional Family, Court Judge,
Chennai.

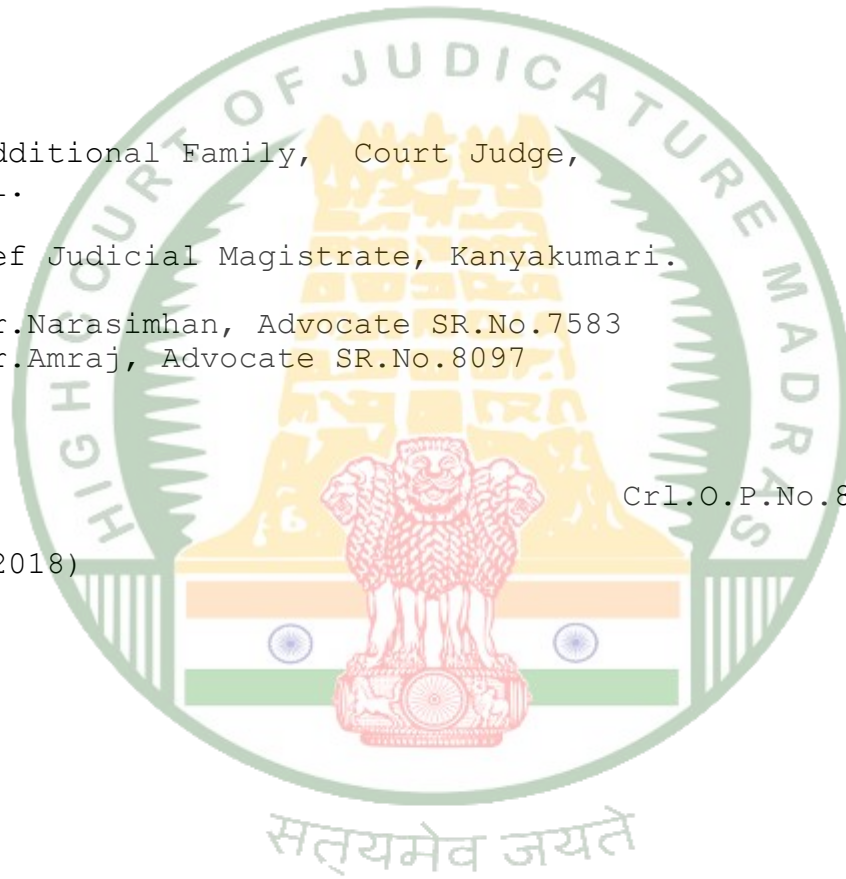
2.The Chief Judicial Magistrate, Kanyakumari.

+1cc to Mr.Narasimhan, Advocate SR.No.7583

+1cc to Mr.Amraj, Advocate SR.No.8097

MG (CO)
GN(17/02/2018)

CrI.O.P.No.8452 of 2015



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