



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

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CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8122 of 2015

and

Crl.M.P.No.1 of 2015

1.S.A.Sreekandan

...Petitioner

-Vs-

Jothi @ Fathima Gani

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to withdraw the M.C.No.17 of 2013, pending on the file of the Judicial Magistrate, Thanjavur and transfer the same to the file of the Judicial Magistrate, Tambaram.

For Petitioner : Mr.K.S.Vamsidhar

ORDER

This petition has been filed seeking for transfer of all proceedings pending in M.C.No.17 of 2013 from the Judicial Magistrate, Thanjavur to the Judicial Magistrate, Tambaram.

2. It is seen from records that the petitioner has already filed a petition in H.M.O.P.91 of 2009 against the respondent for dissolution of marriage. Initially, the petition was allowed and the marriage was dissolved. This was set aside in appeal and thereafter, this Court in CMSA (MD) No.48 of 2013, dissolved the marriage between the petitioner and the respondent on 28.10.2013.

3.The respondent had filed a petition for maintenance before the Judicial Magistrate, Thanjavur. The respondent has subsequently shifted and is residing at Tambaram. Thereafter, the petitioner has filed this petition to transfer the maintenance case to Judicial Magistrate, Tambaram, since it will be convenient for the respondent also to attend the proceedings. The petitioner is working at ICF and therefore it will be convenient for the petitioner also to attend the proceedings if it is transferred to Judicial Magistrate, Tambaram.



4. Heard the learned counsel for the petitioner.

5. The respondent has been served and her name has also been printed in the cause list. The respondent has not appeared either in person or through counsel.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to transfer the proceedings, since it will be more convenient for both the parties to attend the proceedings before the Judicial Magistrate, Tambaram. In the result this Criminal Original petition is allowed and the proceedings in M.C.No.17 of 2013 is pending on the file of the Judicial Magistrate, Thanjavur is withdrawn and transferred to the file of the Judicial Magistrate, Tambaram. The case records shall be transferred to the learned Judicial Magistrate, Tambaram within a period of four weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.
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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Tambaram.

2. The Judicial Magistrate,
Thanjavur.

+1cc to Mr.K.S.Vamsidhar, Advocate, SR.No.58533

Cr1.O.P.No.8122 of 2015

Kak(08/08/2019)