



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) .No.9577 of 2017

and

Crl.M.P.(MD) No.6540 of 2017

R.Premkumar

... Petitioner/Respondent

Vs.

T.Jenitta

... Respondent/ Petitioner

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to withdraw the M.C.No.18 of 2017 on the file of the learned Chief Judicial Magistrate, Ramanathapuram and to transfer the same to the learned Chief Judicial Magistrate, Madurai.

For Petitioner : Mr.R.M.Anbunithi

O R D E R

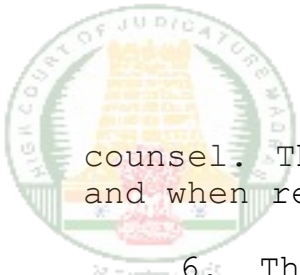
This Criminal Original Petition has been filed seeking to transfer the proceedings in M.C.No.18 of 2017 pending on the file of learned Chief Judicial Magistrate, Ramanathapuram.

2. The respondent has initiated proceedings under section 125 of Cr.P.C seeking for maintenance from the petitioner. This transfer petition has been filed mainly on the ground that, there is already a divorce proceedings pending on the file of the Family Court, Madurai and hence, the maintenance case can also be transferred to the file of the Family Court, Madurai. Yet another ground that has been raised in the petition is that, the concerned Court does not have the jurisdiction to entertain this petition.

3. Heard the learned counsel for the petitioner. The respondent has been served with notice and her name is also printed in the cause list but there is no representation for the respondent.

4. Taking into consideration the facts and circumstances of the case, this Court is not inclined to transfer the proceedings at this stage ,since no stay was granted by this Court and the proceedings are already in progress before the Court below.

5. The learned counsel for the petitioner requested this Court to dispense with the appearance of the petitioner. The presence of the petitioner is dispensed with and he shall be represented by a



counsel. The petitioner shall be present before the Court below as and when required during the important dates of hearing.

6. This criminal original petition is disposed of with a direction to the Chief Judicial Magistrate, Ramanathapuram to complete the proceedings in M.C.No.19 of 2017 within a period of two (02) months from the date of receipt of a copy of this order. Consequently, connected Crl.M.P.(MD) No.6540 of 2017 is closed.

Sd/-

Assistant Registrar(P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1) The Chief Judicial Magistrate,
Ramanathapuram
- 2) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.N.SATHEESH KUMAR,Advocate(SR-88775[F]dated 24/09/2019)

sts

VB 15/10/2019 2P 4C

Order made in
Crl.O.P. (MD) .No.9577 of 2017
20.09.2019