

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.22277 of 2016

and

Crl.M.P.No.10341 of 2016

V.Ramakrishnan

..Petitioner/Respondent

Vs.

R.Ezhilrani

..Respondent/Petitioner

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer M.C.No.1 of 2001 from the file of the Judicial Magistrate Court No.II, Chidambaram, Cuddalore District to the file of the Judicial Magistrate Court No.I, Villupuram or to some other Court, which is having same jurisdiction.

For Petitioner : Mr.M.Arumugam

For Respondent : No appearance

O R D E R

This case is taken up through video conference.

2. This criminal original petition has been filed to transfer M.C.No.1 of 2001 from the file of the Judicial Magistrate Court No.II, Chidambaram, to the file of the Judicial Magistrate Court No.I, Villupuram or to some other Court, which is having same jurisdiction.

3. Heard Mr.M.Arumugam, learned counsel for the petitioner. Notice has been served on the respondent, but, there is no appearance.

4. The learned counsel for the petitioner submitted that the petitioner is a pensioner and he has settled all the properties on the respondent and he has no means to go to Chidambaram to contest the case and therefore, prayed for transfer of M.C.No.1 of 2001 from the file of the Judicial Magistrate Court No.II, Chidambaram, to the file of the Judicial Magistrate Court No.I, Villupuram or to some other Court.

5. In the opinion of this Court, transfer of the maintenance case initiated under Section 125 Cr.P.C. cannot be effected on the aforesaid grounds. It is also seen that the petitioner has not been appearing before the Judicial Magistrate Court No.II, Chidambaram and a warrant is pending against him.

That apart, M.C.No.1 of 2001 was disposed of as early as on 04.10.2002 and thereafter, the respondent/wife has filed miscellaneous petition for enforcement of the order of maintenance. Under such circumstances, M.C.No.1 of 2001 cannot be transferred to any other Court.

In the result, this criminal original petition is dismissed. Connected Crl.M.P. is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate No.II,
Chidambaram.

Crl.O.P.No.22277 of 2016

PA (CO)
RV(08/12/2020)



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