

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.29012 of 2019
and
Crl.M.P.No.15560 of 2019

V.P.Raajesh Babu @ Rajesh Krishna ... Petitioner

Vs.

T.Mohanavalli @ Vihashini ...Respondent

PRAYER: Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure, to withdraw the M.C.No.16 of 2019 pending on the file of the Chief Judicial Magistrate Court, Thiruvarur and Transfer the same to the file of the Chief Judicial Magistrate Court, Tambaram.

For Petitioner : M/s. A.Arulmozhi
For Respondent : No appearance

O R D E R

This petition has been filed by the husband to transfer the case in M.C.No.16 of 2019 from the file of the Chief Judicial Magistrate Court, Thiruvarur to the file of the Chief Judicial Magistrate Court at Tambaram.

2. Though private notice was served on the respondent and her name also printed in the cause list, she has not appeared either in person or through counsel and hence after hearing the arguments of the learned counsel for the petitioner and perusing the materials produced by the learned counsel for the petitioner, order is being passed in this petition.

3. The learned counsel for the petitioner has submitted that the respondent herein has filed a petition under Section 125 of Cr.P.C seeking maintenance before the Chief Judicial Magistrate Court, Thiruvarur and the said petition was taken on file in M.C.No. 16 of 2019. She further submitted that after filing of the said petition, the respondent has shifted her residence to Perungulathur, Alappakkam, Chennai and the said place falls within the jurisdiction of Judicial Magistrate Court, Tambaram. She further submitted that the petitioner

herein also residing within the jurisdiction of Judicial Magistrate Court, Tambaram and hence she requests to transfer the aforesaid case to the file of Judicial Magistrate at Tambaram.

4. Though the petitioner has prayed in this petition that the case in M.C.No.16 of 2019 has to be transferred to the file of Chief Judicial Magistrate Court at Tambaram, there is no such Court at Tambaram and only Judicial Magistrate Court is there.

5. Considering the fact that both the parties are residing at Tambaram and the private notice to the respondent also served on the address at Perungulathur, Alappakkam, Chennai, this Court is inclined to transfer the case in M.C.No.16 of 2019 to the Judicial Magistrate Court at Tambaram.

6. In the result, this petition is allowed. The case in M.C.No. 16 of 2019 is withdrawn from the file of the Chief Judicial Magistrate Court, Thiruvarur and Transferred to the file of the Judicial Magistrate Court, Tambaram for disposal in accordance with law. Consequently, connected Criminal Miscellaneous Petition is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Chief Judicial Magistrate Court,
Thiruvarur.

2. The Chief Judicial Magistrate Court,
Tambaram.

+1 CC to M/s. A.Arulmozhi, Advocate sr 1814.

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RSV(CO)
SP(13/02/2020)