



**Crl.O.P.(MD) No.15507 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 14.11.2022**

**CORAM**

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

**CRL.O.P (MD) No.15507 of 2022**

**Ramesh**

**...Petitioner**

**VS**

**1. Yuvarani @ Rani  
2. Minor.Sai Pradeep  
(rep. by its Natural guardian  
and mother)**

**...Respondents**

**PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to withdraw and the transfer pending trial in MC No. 3 of 2022 on the file of the learned Chief Judicial Magistrate, Kumbakonam to learned Chief Judicial Magistrate, Pudukkottai**

**For Petitioner : Mr.P.Ganapathi Subramanian  
For Respondents : Mr.B.Anandan**

**ORDER**

**This Criminal Original Petition had been filed to to withdraw and the transfer pending trial in MC No. 3 of 2022 on the file of the learned Chief**



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Judicial Magistrate, Kumbakonam to learned Chief Judicial Magistrate,  
Pudukkottai.

2. The learned Counsel for the Petitioner would submit that the Petitioner is the husband. It is the further submission of the learned Counsel for the Petitioner that the Petitioner as husband approached the Sub Court, Pudukkottai by filing petition in HMOP seeking Restitution of Conjugal Rights and the same was allowed, in which the learned Subordinate Judge had passed order directing the wife/Respondent to join the Petitioner in the matrimonial home, inspite of the same, the Respondent/wife failed to join in the matrimonial home. Whiles, she filed maintenance case in MC.No.3 of 2022 before the learned Chief Judicial Magistrate, Kumbakonam . It is the further submission of the learned Counsel for the Petitioner that the Petitioner does not have proper employment and proper income. Therefore he finds it difficult to travel from Pudukkottai to Kumbakonam and on that ground he seeks transfer of the case pending in M.C.No.3 of 2022 from the file of the learned Chief Judicial Magistrate, Kumbakonam to the file of the learned Chief Judicial Magistrate, Pudukkottai.



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3. The Hon'ble Supreme Court in case involving of matrimonial dispute had directed the trial Court to consider the prayer of the wife/Petitioner in cases of maintenance, matrimonial disputes, dispute regarding custody of children to be filed/lodged in the place she resides. The Courts have only jurisdiction where the wife resides.

4. In the light of the above direction from the Hon'ble Supreme Court, the contention of the Petitioner that he is not having regular income and he finds it difficult to travel is not acceptable. If the husband is unable to provide income the financial condition of the wife is still worse. In such circumstances the wife who had sought maintenance from the husband had to be forcing to travel from Kumbakonam to Pudukottai which is practically amounts to force her to withdraw the maintenance case or leaving it for dismissal for non prosecution.

5. As per the direction of the Hon'ble Supreme Court the contention of the Petitioner on the ground of having no regular job regarding income to withdraw the MC No. 3 of 2022 from the file of the learned Chief



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Judicial Magistrate, Kumbakonam to learned Chief Judicial Magistrate,  
Pudukkottai cannot be accepted.

6. In view of the same, the Criminal Original Petition stands  
dismissed.

14.11.2022

Internet: Yes./No  
Index: Yes/no  
aav

To

1. The Chief Judicial Magistrate, Kumbakonam
2. The Chief Judicial Magistrate, Pudukkottai



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**SATHI KUMAR SUKUMARA KURUP, J.**

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