



CrI.O.P.No.18910 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.18910 of 2024

and

CrI.M.P.No.11161 of 2024

Mehathab

....Petitioner

Versus

Saleem Basha

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to withdraw and transfer M.C.No.2/2023 pending on the file of the I Judicial Magistrate at Coimbatore to any other court at Krishnagiri.

For Petitioner : Ms.S.Jessy Monica

ORDER

This Criminal Original Petition is filed to transfer M.C.No.2/2023 pending on the file of the I Judicial Magistrate, Coimbatore to any other Court at Krishnagiri.

2. The reason stated for transferring the case is that the petitioner is now residing in Krishnagiri and therefore, she finds difficult to attend the Court at Coimbatore on hearing dates.



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3. On perusing the records, this Court finds that the petitioner herein initially filed Maintenance Case against her husband before the Family Court, Chennai stating that she is residing at Chennai. Later, her husband filed petition for divorce before the Family Court, Coimbatore. He sought transfer of Maintenance Case to Coimbatore. For which, the petitioner has conceded and thus, the maintenance case transferred to Coimbatore. Now she claims that she is residing in Krishnagiri and therefore, the case has to be transferred to Krishnagiri. The High Court cannot keep on transferring cases one Court to another on the ground that the petitioner has shifted her residence. Since the petition for divorce is pending in the Family Court, Coimbatore, it is appropriate that the maintenance case also to be heard and decided by the same Court.

4. Hence this Court finds no merit in the transfer petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

06.08.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

WEB.COM The I Judicial Magistrate, Coimbatore

Dr.G.JAYACHANDRAN,J.



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