



Crl.O.P.(MD)No.13469 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13469 of 2024

and

Crl.M.P.(MD).No.8349 of 2024

Karthikeyan

... Petitioner

Vs.

Amirtthavarshini

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to withdraw M.C.No.3 of 2024 on the file of the Judicial Magistrate Court, Karaikudi, Sivagangai District and transfer the same to any one of the Family Court, Chennai for further proceedings.

For Petitioner : Mr.M.E.Saraswathy

For Respondent : Ms.A.Banumathy



CrI.O.P.(MD)No.13469 of 2024

WEB COPY

ORDER

This criminal original petition has been filed seeking orders to withdraw M.C.No.3 of 2024 on the file of the Judicial Magistrate Court, Karaikudi, Sivagangai District and transfer the same to any one of the Family Court, Chennai for further proceedings.

2.It is not in dispute that the petitioner is the husband of the respondent. It is also not in dispute that the petitioner earlier filed a divorce petition before the Sub Court, Devakottai and thereafter, the respondent has filed an application praying maintenance in M.C.No.3 of 2024 and the same is pending on the file of the Judicial Magistrate Court, Karaikudi, Sivagangai District.

3.The main contention of the petitioner is that the respondent by giving Pune address has taken notice and since no notice was served on the petitioner, the respondent has managed to get an ex-parte order, that subsequently, the petitioner has filed a petition to set aside the ex-parte order and that they have suppressed by material aspects before the Magistrate Court.



CrI.O.P.(MD)No.13469 of 2024

WEB COPY

4.The grounds raised by the petitioner are all matter for trial, which cannot be gone into in the present petition. Moreover, it is evident from the records that the petitioner has already filed petition to set aside the ex-parte order and the same came to be allowed and the case is pending for evidence. The petitioner has not shown any grounds or reason to transfer the case from the file of the Judicial Magistrate Court, Karaikudi, Sivagangai District. Hence, this Court is not inclined to transfer the case.

5.In the result, this criminal original petition is dismissed. However, the learned Judicial Magistrate Court, Karaikudi, Sivagangai District is directed to complete the trial and dispose of the case in MC.No.3 of 2024, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

19.09.2024

NCC : Yes / No
Index : Yes / No



CrI.O.P.(MD)No.13469 of 2024

Internet : Yes / No
gns

K.MURALI SHANKAR,J.

gns

To

The Judicial Magistrate Court, Karaikudi, Sivagangai District.

CrI.O.P.(MD)No.13469 of 2024



WEB COPY



CrI.O.P.(MD)No.13469 of 2024

19.09.2024