

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

Transfer Criminal Petition.No.160 of 2013

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ORDER:

This petition is moved by the husband for withdrawing M.C.No.32 of 2013 pending on the file of the Family Court, Secunderabad and to transfer the same to the Court of the IV Metropolitan Magistrate, Erramanzil, Hyderabad.

Heard Sri Anirudh, learned counsel on behalf of the learned counsel for the petitioner and Ms. T.Manjula, learned counsel for the 2nd respondent.

The case of the petitioner is that the 2nd respondent wife has instituted two separate proceedings, one for maintenance, which is M.C.No.32 of 2013 on the file of the Family Court, Secunderabad and the other under the Protection of Women from Domestic Violence Act, 2005, which is numbered as D.V.C.No.34 of 2013 on the file of the IV Metropolitan Magistrate, Secunderabad.

Since parties are common and the subject matter of both the cases is somewhat nearer to each other, the petitioner herein sought for transfer of the Maintenance Case to the Court where Domestic Violence Case is pending. Hence, this petition.

Ms. Manjula, learned counsel for the 2nd respondent, is right in pointing out that the Maintenance Case can be heard only by the Family Court, where as the IV Metropolitan Magistrate at Erramanzil, Hyderabad is only entrusted to deal with the cases arising under the Domestic Violence Act and hence, that Court is lacking in jurisdiction to deal with the Maintenance Case.

In that view of the matter, the prayer sought for by the petitioner cannot be accorded, all the more so, when it is brought to my notice that the trial in both the cases was also completed.

Hence, I do not find any justifiable reason to transfer M.C.No.32 of 2013 pending on the file of the Family Court, Secunderabad to the Court of the IV Metropolitan Magistrate, Erramanzil, Hyderabad.

The Transfer Criminal Petition is accordingly, dismissed.

NOOTY RAMAMOHANA RAO, J.

mrk

05.06.2015.