

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Tr.CRIMINAL PETITION No.18 of 2014

ORDER:

1 This petition is filed under Section 407 of Cr.P.C seeking to withdraw M.C.No.46 of 2012 from the file of the Judge, Family Court at Kurnool and transfer the same to the Judge, Family Court at Nellore.

2 Heard both sides.

3 The petitioner is the son of the respondent. The petitioner filed M.C.No.46 of 2012 on the file of the Family Court, Kurnool seeking maintenance from the respondent. By the time of filing of the petition, the petitioner was aged about 4 years and hence his mother filed the petition on his behalf as natural guardian. The mother of the petitioner also filed O.P.No.107 of 2012 on the file of the Family Court, Kurnool for dissolution of marriage between her and the 1st respondent herein. By the time of filing of the O.P as well as the M.C, the mother of the petitioner was working as Junior Assistant in Rayalaseema University, Kurnool. At present the mother of the petitioner is working as Senior Assistant in Vikram Simhapuri University, Nellore. The mother of the petitioner filed Tr.CMP.No.60 of 2014 seeking transfer of the said O.P.No.107 of 2012 from the file of Family Court, Kurnool to the Family Court at Nellore and that petition was allowed on 05.03.2014, transferring the O.P.No.107 to 2012 from Family Court, Kurnool to the Family Court, Nellore.

4 Being an employee, it may not be possible for the mother of the petitioner to attend the Family Court at Kurnool to prosecute the M.C. on behalf of the petitioner on each and every date of adjournment. It may not be possible for the mother of the petitioner

to obtain leave frequently. Invariably, the 1st respondent has to attend the Family Court at Nellore in order to contest the O.P. filed by the mother of the petitioner. In those circumstances, even if this petition is allowed, transferring the M.C.No.46 of 2012 from the Family Court at Kurnool to the Family Court at Nellore, no prejudice will be caused to the 1st respondent. While deciding the petitions of this nature, the Court has to take into consideration the inconvenience likely to be caused to the wife and children.

5 Having regard to the facts and circumstances of the case and also in view of the orders passed in Tr.CMP No.60 of 2014, this petition is allowed and the M.C.No.46 of 2012 pending on the file of the Family Court at Kurnool is transferred to the Family Court at Nellore for trial and disposal in accordance with law. Consequently, miscellaneous petitions, if any, pending in this Tr.Crl.Petition shall stand closed.

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T. SUNIL CHOWDARY, J

Date: 03.02.2016

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