

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.46 OF 2016

ORDER:

This criminal petition is filed under Section 407 of Cr.P.C to withdrawn M.C.No.63 of 2015 on the file of Additional Junior Civil Judge, Mangalagiri, Guntur District and transfer the same to the Court of III Additional Judicial I Class Magistrate, Kakinada, East Godavari District.

The only contention before this Court is that the petitioner and respondent were working in medical department and earlier the respondent worked at Kakinada along with her husband, the petitioner herein filed a divorce O.P.No.189 of 2012 and an exparte order was passed to dissolving the marriage. Now, she filed maintenance case M.C.No.63 of 2015 before the Additional Junior Civil Judge, Mangalagiri, where allegedly it is stated that she is residing with her parents along with her two children in the residential address mentioned in the cause title i.e. D.No.11-469 A, Near G.R. School, Old Mangalagiri, Guntur District.

During hearing, learned counsel for the respondent Sri Aluva Umamaheshwara Rao, represented that the respondent/wife is working at Mustafabad which is within the territorial limits of Additional Junior Civil Judge, Gannavaram, Krishna District. When the respondent is working in medical department, she is supposed to stay within the vicinity where she is working and she shall not leave the limits of the area where she is working. Therefore, the alleged stay at Mangalagiri at the address given in the cause title appears to be incorrect.

On the other hand, if the maintenance case is withdrawn and transferred to Gannavaram Court which is having territorial jurisdiction over the place where she is working, it would not cause any inconvenience to her and on the other hand, it would be more convenient for her to attend the Court.

Therefore, having considered the facts and circumstances of the case including the inconvenience being caused to both the petitioner and respondent, I find it appropriate to withdraw M.C.No.63 of 2016 from the file of Additional Junior Civil Judge, Mangalagiri, Guntur District and transfer the same to the Court of Judicial Magistrate of I Class at Gannavaram, Krishna District.

In the result, criminal petition is allowed and withdrawn M.C.No.63 of 2016 from the file of Additional Junior Civil Judge, Mangalagiri, Guntur District and transferred the same to the Court of Judicial Magistrate of I Class at Gannavaram, Krishna District and on receipt of the record, the Judicial Magistrate of I Class at Gannavaram, Krishna District is directed to issue summons to both the parties and decide the matter in accordance with law on their appearance.

Consequently, miscellaneous petitions, if any, pending in this criminal petition, shall stand closed. No costs.

M. SATYANARAYANA MURTHY, J

Date:02.11.2016
SP