

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.23087 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking to direct the first respondent to transfer DVC No.1/2014 on the file of the VI Metropolitan Magistrate, Medchal/Malkajgiri District, to any other Court at Pune.

Heard the learned counsel for the petitioner. Since this Court is not passing any adverse orders against the second respondent, there is no necessity to issue notice to R-2.

The facts leading to filing of the present Writ Petition are as follows:

Earlier, petitioner and R.2 resided at Hyderabad. At that time, petitioner filed DVC No.1/2014 before the Court of VI Metropolitan Magistrate, Medchal, seeking reliefs under the Sections 12, 18, 19, 20 and 22 of Protection of Women from Domestic Violence Act. In the said case, the Court below passed interim orders in favour of the petitioner directing the second respondent herein to provide shared accommodation to the petitioner at Walchandnagar, Pune District. In pursuance to the said order, the petitioner was provided accommodation at house No.2255, in Gate No.331, Jamadadevsti, Kalamba, Post Walchandnagartal, Indapur District, Pune, Maharashtra, and the petitioner is residing in the said house. The grievance of the petitioner, now, is that since because the DVC No.1/2014 is pending before the Court in Hyderabad and she has been residing

in Pune, it is becoming difficult for her to pursue the matter. Hence, seeking transfer of DVC case from Hyderabad to any Court in Pune, the present Writ Petition is filed.

It may be true that the petitioner, being resident of Pune, is facing difficulty in pursuing the matter, which is pending at Hyderabad. But, her grievance cannot be redressed in a Writ Petition filed by invoking Article 226 of the Constitution of India. Since the petitioner is seeking transfer of the case from one State to another State, this Court has no jurisdiction to do the same.

Hence, leaving it open to the petitioner to avail the appropriate remedies available to her under law for redressal of her grievance, the Writ Petition is dismissed.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No costs.

14.07.2017
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C. PRAVEEN KUMAR, J