

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

TRANSFER CRIMINAL PETITION No.3 of 2017

ORDER:

Heard learned counsel for petitioner and respondent No.1 and perused the record.

Learned counsel for the petitioner would submit that earlier, the petitioner was residing at her parents' house situated at Lakshmigaripalli, Railway Kodur Mandal, YSR Kadapa District. She studied M.Sc. and now, she is in search of a job. Therefore, she has shifted to Bulapalli Village of Renigunta Mandal, Chittoor District. Learned counsel would also submit that the petitioner filed D.V.C.No.29 of 2015 against respondent No.1 and others and also H.M.O.P.No.53 of 2016 for restitution of conjugal rights, before the Courts at Tirupati and therefore, the place of Tirupati is convenient to her to pursue M.C.No.3 of 2015 also.

On the other hand, learned counsel for respondent No.1 would submit that the petitioner has filed bogus certificates including birth certificate and filed all false cases. Therefore, respondent No.1 filed divorce O.P. before a Court in Chennai. The place of Tirupati is not convenient to respondent No.1 and it is not appropriate to transfer M.C.No.3 of 2015 as prayed for.

In view of the submissions made by both the learned counsel, the point for determination is, whether M.C.No.3 of 2015 can be transferred to a Court at Tirupati?

In the affidavit, the petitioner has stated that she has completed M.Sc. and is residing presently at Bulapalli Village, Renigunta Mandal, Chittoor District. As per the record produced, D.V.C.No.29 of 2015 is pending on the file of III Additional Judicial First Class Magistrate, Tirupati, and H.M.O.P.No.53 of 2016 is pending on the file of Principal Senior Civil Judge, Tirupati, wherein the petitioner has sought restitution of conjugal rights. No residential certificate is necessary to substantiate the present residence of the petitioner. In view of the submissions made on behalf of the petitioner, the place of Tirupati is convenient to the petitioner. It is also brought to the notice of this Court that respondent No.1 is residing in Chennai. Therefore, the proposed transfer would not cause any trouble to respondent No.1 and it is convenient to the petitioner.

Therefore, M.C.No.3 of 2015 pending on the file of Judicial First Class Magistrate, Railway Kodur, YSR Kadapa District, is withdrawn and transferred to the Court of III Additional Judicial First Class Magistrate, Tirupati, Chittoor District, for disposal in accordance with law.

In the result, the Transfer Criminal Petition is allowed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Dr. SHAMEEM AKTHER, J

11th OCTOBER, 2017.

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