

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

TRANSFER CRIMINAL PETITION NO.17 OF 2018

ORDER:

This transfer criminal petition is filed by the petitioner under Section 407 Cr.P.C. to withdraw M.C.No.294 of 2017 on the file of the Family Court, Vijayawada, and transfer the same to Family Court, Secunderabad.

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner has filed O.P. for dissolution of marriage before the Family Court, Secunderabad. Thereafter, the respondent-wife filed the impugned maintenance case before the Family Court, Vijayawada. In addition to that, the respondent-wife also filed one O.P. for Restitution of Conjugal Rights and the same is pending before the Court at Vijayawada. For the convenience of the petitioner, the petitioner wants intervention of this Court to transfer the above M.C. He further contended that there is a threat of losing job of the petitioner and it will spoil his career and health.

4. As per the material placed on record, the Family Court at Vijayawada has jurisdiction to enquire and dispose of the above M.C. The petitioner is living within the jurisdiction of that Court. Further, inconvenience of the petitioner cannot be a ground to consider the request of the petitioner. The convenience of the respondent and also her capability to conduct the proceedings before the Court concerned shall be the prime consideration to determine the cause. In the circumstances, it cannot be held that if the

proceedings are continued at Vijayawada, the petitioner would loose his job and his health will deteriorate. There is no substance in the submissions.

5. In the course of submissions, it has come to light that it is difficult for the petitioner to attend on each and every date of adjournment before the Court concerned in the above M.C., in such event, the petitioner can file an application to dispense with his personal attendance before the Court concerned as and when it is inconvenient to him. On filing such an application, the Court below may sympathetically consider the same.

6. With the above observation, the Transfer Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Petition shall stand closed.

DATED: 30-01-2018.
Hsd

DR.SHAMEEM AKTHER, J

