

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.241 of 2018

ORDER :

The petitioner is no other than the so-called husband according to the 1st respondent. No doubt, he is disputing and denying the relationship. In D.V.C.No.4 of 2017 pending before the learned Judicial First Class Magistrate, Luxettipet, there is CrI.M.P.No.170 of 2017 for interim maintenance pending disposal of the main D.V.C. The petitioner moved for transfer of the case from the file of the learned Judicial First Class Magistrate, Luxettipet, saying despite the contest of there is no any man and wife relationship between the petitioner and the 1st respondent. The learned Magistrate in the D.V.C. is proposing to award interim maintenance and will not get justice and there is apprehension of likelihood of getting injustice. The transfer petition was dismissed with detailed order by the learned Sessions Judge, Adilabad, in CrI.M.P.No.988 of 2018, dated 26.10.2018.

2. Heard and perused the material on record. The 1st respondent even served failed to attend and taken as heard.

3. A perusal of the material on record no way entitles the petitioner to seek for transfer with so-called apprehension without basis. It is not even the case that any interim order passed by prejudging the issue without basis. On what material being placed before the Court, the learned Magistrate may consider cannot be

anticipated in seeking a transfer. Needless to say, the learned Magistrate shall impartially without any favour or prejudice decide the matter on own merits.

4. With the above observations, the transfer criminal petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

27th November 2018
mar

Dr. B. SIVA SANKARA RAO, J

