

IN THE HIGH COURT AT [REDACTED] CRIMINAL APPELLATE JURISDICTION APPELLATE SIDE  
BEFORE: THE HON'BLE JUSTICE [REDACTED]

CRR [REDACTED]

[PETITIONER X] Vs. [RESPONDENT Y]

For the Petitioner : [REDACTED]

For the State : [REDACTED]

Hearing Concluded on : [REDACTED DATE]

Judgment on : [REDACTED DATE]

[REDACTED], J.: -

The petitioner has filed this application under Section 407 of the Code of Criminal Procedure, 1973, seeking the transfer of a maintenance proceeding from one Court to another. The ground advanced is the petitioner's claim of hardship due to severe disability, making travel to the current Court extremely difficult.

Notice was duly served on the Opposite Party, but despite being aware of the proceedings, she chose not to appear. The Court proceeded based on the materials on record.

The parties were married in [REDACTED YEAR]. Subsequently, matrimonial disputes arose, leading the Opposite Party to file a maintenance case under Section 125 of the Cr.P.C., seeking monthly maintenance for herself and her son. This proceeding is now at a final stage, requiring only a single visit for its conclusion.

Counsel for the petitioner argued that the petitioner's severe disability warrants a transfer. However, the core issue is whether inconvenience to the petitioner alone is sufficient to justify such transfer, given the urgency of financial support required by the Opposite Party.

The Court noted that while the convenience of parties is a factor under Section 407 Cr.P.C., in maintenance cases, the wife's convenience is given paramount consideration. This principle, emphasized by the Hon'ble Supreme Court in multiple decisions, ensures that financially dependent women are not subjected to further hardship.

On the facts, the petitioner's past conduct of consistently appearing in Court, and his ability to file the present petition at a distant location, undermines his claim of insurmountable hardship. Allowing the transfer would cause undue delay and prejudice to the Opposite Party and her dependent child. The petitioner's conduct appears to be an attempt to prolong proceedings and evade obligations.

Accordingly, the petition fails. The application is dismissed. The Trial Court is directed to expedite the pending maintenance case and dispose of it within three months. Both parties are directed to cooperate with the Trial Court. There shall be no order as to cost. Interim orders, if any, stand vacated. Records, if any, are to be sent back to the Trial Court forthwith.

Order accordingly.

([REDACTED], J.)