THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFER C.M.P.NO.541 OF 2015

O R D E R:

This Transfer C.M.P. is filed by the petitioner-wife against the respondent-husband for transfer of F.C.O.P.No.773 of 2014 filed by the respondent-husband for grant of divorce, which is pending on the file of the Family Court, Ranga Reddy District, to the file of Family Court, Nalgonda District.

The case of the petitioner is that her marriage with the respondent was solemnized on 18.11.2005 at Sri Laxmi Narsimha Swamay Temple, Yadagirigutta, as per Hindu rites and customs. Till 2009 they lived at West Marredpally and thereafter they shifted to Kharmanghat, Ranga Reddy District. Out of their wedlock, they were blessed with two children. The respondent forced the petitioner to apply for the post of Junior Lecturer on contract basis and she was selected and joined in the service on 20.11.2010 at Choutuppal and later she was transferred to Government Junior College, Nereducherla, Nalgonda District, in the month of July, 2011. The petitioner was forced to stay at Nereducherla and she use to come to Hyderabad and stay with the respondent on Saturdays and

Sundays and public holidays. Later, the respondent developed illicit intimacy with one Srilatha and she came to know that the respondent married that lady and deserted her. When the respondent started to harass the petitioner, she lodged a complaint with Medipally police station under Section 498-A I.P.C., and the police registered a case in FIR No.488 of 2014. Thereafter, the respondent filed F.C.O.P.No.773 of 2014 on the file of Family Court, Ranga Reddy District against the petitioner, for grant of divorce. The petitioner filed several cases against the respondent. D.V.C.No.11 of 2015 is pending on the file of the Judicial First Class Magistrate (Special Mobile) Court, Nalgonda, FIR No.448 of 2014, which was registered on 09.08.2014 is pending before Medipally police station, for the offence under Section 498-A I.P.C., FIR No.201 of 2014 registered on 05.11.2014 is pending before Thipparthy police station under Sections 494, 495 and 34 I.P.C. and M.C.No.1 of 2015 filed under Section 125 Cr.P.C., is also pending on the file of the Judicial First Class Magistrate (Special Mobile) Court, Nalgonda. The petitioner and her two sons are staying at Thipparthi, Nalgonda District and she cannot travel all the way from Nalgonda District to Ranga Reddy District to defend her case in F.C.O.P.No.773 of 2014, as she is working as Lecturer

on contract basis and she cannot apply leave frequently.

In Transfer C.M.P., though notice is sent to the address given by the respondent at Boduppal, Hyderabad, the same was returned with an endorsement 'no such house in the colony' and another notice sent to the address at Himayathnagar was also returned with an endorsement 'unclaimed'. The notice sent to the address given by the respondent in the Transfer C.M.P. is also returned with an endorsement 'party left'. This shows that the respondent is avoiding to receive notices. It is also stated by the petitioner that when the petitioner produced the copy of the interim order granted by this court and also the memo, then the respondent was present in the court.

Heard the learned counsel for the petitioner.

The averments made by the petitioner in the affidavit filed in support of the Transfer C.M.P., are un-controverted and the facts of the case indicate that several cases filed by the petitioner against the respondent are pending before several courts at Nalgonda and the respondent has to attend the same. It is also seen that the petitioner has two sons and she is working as Lecturer at Nalgonda on contract basis and cannot apply leaves frequently.

In view of the facts and circumstances of the case, Transfer C.M.P. has to be allowed, transferring F.C.O.P.No.773 of 2014 from the file of Family Court, Ranga Reddy, to the file of Family Court, Nalgonda District.

The Transfer C.M.P. is accordingly allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

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A.RAJASHEKER REDDY, J

Dt.02.12.2015
TJS

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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