

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.514 OF 2015

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ORDER:

This transfer petition is filed to transfer FCOP.No.107 of 2015 on the file of Family Court, Kurnool to the Family Court, Anantapur.

The case of the petitioner is that her marriage with the respondent was performed on 25.08.2011 at CSI Church, Kurnool as per Christian rights and at the time of marriage the parents of the petitioner gave 15 thulas of gold and Rs.10 lakhs towards dowry to the respondent. After marriage the petitioner and respondent lead their matrimonial life happily for a few days. Thereafter, the respondent addicted to bad habits and started harassing the petitioner demanding additional dowry. As such the petitioner filed criminal case against the respondent and her parents and the same was registered in Crime No.26 of 20012 and thereafter numbered as C.C.No.157/2013 on the file of Additional Judicial Magistrate of First Class, Anantapur. It is also stated that the petitioner also filed M.C.No.14/2012 before the Family Court, Anantapur, seeking maintenance and that the respondent attended both cases and as a counter blast he filed FCOP No.107/2015 before the Family Court, Kurnool seeking dissolution of marriage. The petitioner further states that she cannot travel with her aged parents every time from Anantapur to Kurnool, as such filed the present transfer petition.

Heard learned counsel for the petitioner

Learned counsel for the respondent submits that now the petitioner is working at Hyderabad and if the FCOP No.107/2015 is transferred to Anantapur, it will be difficult to her to travel all the way from Hyderabad to Anantapur. He also submits that since the marriage between the petitioner and

respondent took place at Kurnool and both of them lived together in Kurnool, the FCOP 107/2015 will come under the jurisdiction of Family Court, Kurnool and finally sought for dismissal of transfer petition.

The Apex Court in ***Sumita Sing v. Kumar Sanjay and another*** held that in transfer of matrimonial proceedings initiated by the husband against wife, it is the convenience of wife that has to be looked at.

In view of the law laid down by the Apex Court and in view of facts and circumstances referred above and in view of the fact that the cases filed by the petitioner i.e. C.C.No.157/2013 and MC.No.14/2012 are pending before the JFCM and Family Court, Anantapur, respectively, the transfer petition is liable to be allowed.

Accordingly, the Transfer petition is allowed. The FCOP.No.107/2015 is withdrawn from the file of Family Court, Kurnool and transferred to the file of Family Court, Anantapur. No costs.

As a sequel thereto, miscellaneous petitions, if any pending shall stand closed.

A.RAJASHEKER REDDY, J

05.11.2015

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