

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.615 OF 2015

ORDER:

This transfer petition is filed seeking transfer of FCM.OP.No.19 of 2015, pending on the file of Family Court, Kadapa to the Additional Family Court-cum-ADJ Court, Kukatpalli, Rangareddy District.

The case of the petitioner is that her marriage with the respondent was performed on 12.12.2013 according to Hindu Customs at Dorasanipalle Village, Poddutur Mandal, Kadapa District and that after the marriage since the respondent and his family members started harassing the petitioner, she left her matrimonial home and filed DVC.No.32 of 2015 on the file of XIX Metropolitan Magistrate, Kukatpally seeking maintenance and other reliefs. Meanwhile, the respondent filed FCMOP No.19 of 2015 on the file of Family Court, Kadapa, seeking dissolution of the marriage. The grievance of the petitioner is that she is staying along with her parents at Hyderabad and that it is very difficult for her to attend the Court at Kadapa which is 300 K.Ms away from Hyderabad, on every date of hearing without any male assistance and also apprehend danger to her life as being threatened by the respondent and his family and that it involves both physical and financial burden. As such, the petitioner sought transfer of FCMOP.No.19 of 2015 to the Additional Family Court-cum-ADJ Court, Kukatpally, Rangareddy District.

The respondent filed counter opposing transfer of FCMOP.No.19/2015 filed by him.

Heard both sides.

It is not disputed by the counsel for the respondent that respondent is also residing at Hyderabad. As such, if FCMOP.No.19/2015 is transferred to any one of the Family Courts at Hyderabad, it will be convenient for both the parties. Though the learned counsel for the respondent opposed the transfer, since DVC No.32 of 2015 is already pending on the file of Additional Family Court-cum-ADJ Court, Kukatpalli, Rangareddy District, and the respondent has to attend the same, moreso, the Apex Court in ***Sumita Sing v. Kumar Sanjay and another***^[1] 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, the transfer petition is liable to be allowed.

In view of the above, the Transfer CMP is allowed and FCMOP.No.19/2015 is withdrawn from the file of Family Court, Kadapa and transferred to the Family Court, Kukatpalli, Rangareddy District. However, it is open for the petitioner to request either of the Courts to give common dates so as to enable her to attend both the aforesaid cases. The trial Courts also directed to dispose of FCMOP.No.19/2015 as well as DVC.No.32/2015, as expeditiously as possible. No order as to costs.

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

A.RAJASHEKER REDDY, J

17.12.2015
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[\[1\]](#) AIR 2002 SUPREME COURT 396