

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFER C.M.P.NO.537 OF 2015

ORDER:

This Transfer C.M.P. is filed by the petitioner-wife for transfer of F.C.O.P.No.94 of 2014 pending on the file of the Family Court at Nizamabad to the court of the Senior Civil Judge, Jagtial, Karimnagar District.

The petitioner states that the respondent-husband filed the above said O.P., for restitution of conjugal rights. The marriage of the petitioner with the respondent was solemnized on 13.04.2007 at Saibaba Temple, Korutla Village, Karimnagar District as per Hindu rites and customs in the presence of elders. After their marriage, they were blessed with a female child. When the respondent demanded the petitioner to bring additional dowry and necked out of his house, the petitioner lodged a complaint before Mallial police station in Cr.No.,9/13 under Section 498-A I.P.C., and Section 4 of Dowry Prohibition Act and the same is pending. The petitioner also filed M.C.No.16 of 2013 seeking maintenance.

The learned counsel for the petitioner submits that the petitioner is unable to attend the court at Nizamabad as the

respondent and his family members are harassing her mentally, by using filthy language. It is also submitted by the learned counsel that as the petitioner is residing with her parents at Karimnagar, she cannot travel such a long distance along with her minor daughter. It is also stated that criminal case filed by the petitioner before the II Additional Judicial Magistrate Court at Jagtial and M.C.No.16 of 2013 filed by the petitioner before the I Additional Judicial Magistrate Court at Jagtial, Karimnagar are pending. Therefore, the learned counsel seeks for transfer of F.C.O.P.No.94 of 2014 from the file of Family Court at Nizamabad to the Senior Civil Judge Court at Jagtial, Karimnagar District.

Though notice is served to the respondent, the same is refused. Therefore, it is deemed that notice is served.

In view of the averments stated in the affidavit filed in support of the transfer petition, I am of the opinion that as the petitioner is having a child and living with her parents at Karimnagar, she is unable to attend the court at Nizamabad, which is far away from Karimnagar. More so, the maintenance case and criminal case are also pending at Jagtial, Karimnagar District, I think that it would be better to transfer F.C.O.P.No.94 of 2014 from the file of Family Court at Nizamabad to the court

of the Senior Civil Judge, Jagtial, Karimnagar District, for the convenience of the petitioner as well as respondent.

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

A.RAJASHEKER REDDY, J

Dt.27.11.2015
TJS

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFER C.M.P.NO.661 OF 2015

Dt.27.11.2015

