

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TR.C.M.P.NO.691 OF 2015

ORDER:

This Transfer C.M.P. is filed by the petitioner/wife for transfer of O.P.No.75 of 2012 filed by the respondent/husband for grant of divorce, pending on the file of the Senior Civil Judge, Piler, Chittor District, to the file of Senior Civil Judge, Kadiri, Ananthapur District.

The case of the petitioner is that her marriage with the respondent was solemnized on 10.12.2010 as per Hindu rites and customs at Kadiri, Ananthapur District and they lived their happy marital life for two months and there after, the respondent started demanding for entire salary of the petitioner and also additional dowry. To lead a happy marital life with her husband, the petitioner tried her level best and got transferred to Bonthalapalle, Ananthapur District, which is a border village to Chittoor District. The respondent on one pretext or the other used to pick up quarrels and harass the petitioner physically and mentally and filed O.P.No.75 of 2012 for grant of divorce. It is also the case of the petitioner that she is having old aged parents at Ananthapur and she is working as teacher at kadiri,

Ananthapur District. As such, it is not possible for her to appear before the court at Piler, Chittoor District for each and every adjournment and she has no male assistance.

The respondent filed counter affidavit denying all the allegations made by the petitioner and states that the petitioner has not attended in O.P.No.75 of 2012 on the file of Senior Civil Judge Court, Piler, Chittoor District, inspite of several adjournments granted by the court below and her parents also did not attend the court below during the course of re-conciliation proceedings. It is further stated that the evidence of respondent is closed and it is coming up for the cross-examination of RW-1. At this stage, the transfer petition is not maintainable.

Heard both the learned counsel.

The learned counsel for the petitioner states that she has no male assistance for traveling all the way from Kadiri, Ananthapur to Piler, Chittoor District, as she is staying with her old aged parents and she also expressed threat from the respondent. Docket proceedings of Senior Civil Judge, Piler, Chittoor shows that the petitioner attended the proceedings of the said court. The Apex Court in **SUMITA SINGH VS. KUMAR SANJAY AND ANOTHER**^[1] wherein it was held that

while transferring matrimonial proceedings initiated by the husband, the convenience of wife must be looked at.

In view of above circumstances, O.P.No.75 of 2012 from the file of Senior Civil Judge, Piler, Chittoor District is transferred to the file of Senior Civil Judge Court, Kadiri, Ananthapur District. Since it is stated that the respondent is working as Teacher, the presence of respondent on each and every date of hearing is dispensed with, except on the dates of conciliation and for cross-examination. The petitioner shall co-operate with the trial of O.P.No.75 of 2012. Otherwise, the court below shall proceed with the matter and dispose of the said O.P., on merits within a period of six months from the date of receipt of a copy of this order.

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.21.12.2015
TJS

[\[1\]](#)) AIR 2002 SC 396