

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.600 OF 2015

ORDER:

This transfer petition is filed to withdraw the OP.No.778 of 2015, which is pending on the file of Family Court, City Civil Court, Hyderabad and to transfer the same to the Family Court, Ongole, Prakasam District.

The case of the petitioner is that her marriage with the respondent was performed on 14.11.2013 at Palakendram Auditorium, Ongole according to Christian rites and customs and they lead the marital life happily for sometime. But thereafter, the respondent and their parents started harassing the petitioner physically and mentally for additional dowry. As such, the petitioner lodged a complaint with the police and the same was registered in Crime No.99/2015 under Section 498 A IPC and Sections 3 and 4 of Dowry Prohibition Act and the same is pending. It is stated that the petitioner also filed DVC case No.14/2015 on the file of Additional Junior Civil judge, Chirala, Prakasam District and respondent is also attending the proceedings. The grievance of the petitioner is that the respondent filed OP.No.778 of 2015 on the file of Family Court, City Civil Court, Hyderabad for which the petitioner is unable to travel 400 Kilo Meters for every adjournment and there is also threat from the respondent family members since petitioner filed cases against the respondent and as such sought for transfer of OP.No.778 of 2015.

Respondent filed counter denying the allegations of the petitioner that they demanded dowry and that there is a threat from his family members. It is also stated that the petitioner filed false

case against him and that though he approached the petitioner and requested to join his company at Hyderabad she refused to live in his company, as such the respondent filed OP.No.778 of 2015 seeking dissolution of their marriage. It is further stated that the petitioner attended several adjournments in the OP and there is no threat from the respondent.

Heard learned counsel for the petitioner as well as learned counsel for the respondent.

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.

Since it is stated that petitioner is residing with her parents and that she is unable to travel more than 400 K.M for attending the OP.No.778/2015 filed by the respondent and in view of the law laid down by the Apex, the transfer petition is liable to be allowed.

Accordingly, the Transfer petition is allowed. The OP.No.778/2015 is withdrawn from the file of Family Court, City Civil Court, Hyderabad and transferred to the file of Family Court, Ongole. 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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[\[1\]](#) AIR 2002 SUPREME COURT 396