

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.567 OF 2015

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ORDER :

This transfer petition is filed to transfer FCOP No.1133 of 2015 on the file of the Additional Judge, Family Court, Visakhapatnam, to the Court of Principal Senior Civil Judge, Srikakulam to be tried along with G.R.No.10672 of 2015.

The case of the petitioner is that the marriage between the petitioner and respondent was solemnized as per Hindu Rites and Customes on 25.02.2012 at Visakhapatnam. Petitioner joined with the respondent to lead marital life. They were blessed with female child Jyotsna on 17.12.2012. The respondent and his family members ill-treated the petitioner mentally and physically and ultimately she was necked out from the respondent's house during the month of last week of June, 2015. Thereafter, the respondent filed FCOP No.1133 of 2015 on the file of the Court of Additional Judge, Family Court at Visakhapatnam under Section 13(1)(ia) for decree of divorce against the petitioner. Thereafter petitioner filed GR No.10672 of 2015 on the file of the Court of the Principal Senior Civil Judge, Srikakulam under Section 9 of Hindu Marriage Act for a decree of restitution of conjugal rights and same is pending for consideration. Petitioner also filed M.C.No.24 of 2015 on the file of the Judicial First Class Magistrate, Kotabommali and same is also pending. Petitioner is residing at Govindhapuram Village at Srikakulam along with child and parents and that she has no male assistant except aged father and she is unable to travel to Visakhapatnam from Srikakulam for attending the FCOP filed by the respondent and there is also threat from the respondent and his family members. Therefore, she seeks transfer of the FCOP No.1133 of 2015 from the Additional Judge, Family Court, Visakhapatnam to the Court of Principal Senior Civil Judge, Srikakulam to be tried along with G.R.No.10672 of 2015.

Though notice is ordered and served on the respondent, there is no appearance and no counter affidavit is filed by the respondent.

Heard learned counsel for the petitioner.

Since the averments made in the affidavit are not rebutted and there is no opposition from the respondent and in view of the facts and circumstances referred above, I am of the opinion that FCOP No.1133 of 2015 from the Additional Judge, Family Court, Visakhapatnam is liable to be transferred to the Court of Principal Senior Civil Judge, Srikakulam to be tried along with G.R.No.10672 of 2015.

Accordingly, the Tr.CMP is allowed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

16.11.2015

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Tr.CMP.No.567 OF 2015

Date: 16.11.2015

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