

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.C.M.P.No.533 of 2015

ORDER:

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This petition is filed by the petitioner/wife to transfer O.P.No.30 of 2015 pending on the file of Senior Civil Judge, Nandyal, Kurnool District to Senior Civil Judge's Court, Proddatur, YSR Kadapa District.

It is the case of the petitioner that that her marriage was solemnized with the respondent on 15-11-2013 at DVC Kalayanamandapam, Proddatur, YSR Kadapa as per Hindu rites, customs and the marriage was also consummated. The respondent and his sisters were harassing the petitioners and petitioner filed complaint before Station House Officer, Yerraguntla Police Station against respondent and others and the same is registered as Cr.No.131 of 2015 for the offences punishable under Sections 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act and the petitioner also filed M.C.No.2 of 2015 before the Judicial Magistrate of First Class, Kamalapuram for maintenance, since respondent is not maintaining the petitioner. Thereafter, the petitioner filed present O.P.No.36 of 2015 on the file of Senior Civil Judge, Nandyal. The petitioner is unable to travel from Nandyal to Proddatur and three buses to attend the proceedings in O.P.No.30 of 2015 and there is no male assistance for the petitioner and there is threat from the respondent. Hence, the present Transfer CMP is filed.

This Court granted interim stay on 16-09-2015 and issued notices. From the records, notice sent by the High Court is returned with an endorsement that 'addressee is continuously absent for seven days' and notice sent by counsel for the petitioner is returned with 'no such person'. The returned cover shows that petitioner has given the address of the respondent mentioned by him in O.P.No.30 of 2015 filed by him. This goes to show that respondent is evading notices and this Court also granted interim stay and by this fact also,

respondent has knowledge that transfer CMP is filed. In view of the same, notice is deemed to be served.

As per Section 27 of General Clauses Act, when notice is taken out on the addressee by Registered Post with Acknowledgment Due, notice is deemed to be served on the respondent. Since the respondent has not filed counter and un opposed and the averments filed in support of the petition are uncontroverted and in view of facts referred to supra, I deem it proper to transfer OP filed by the respondent in OP.No.30 of 2015 to Senior Civil Judge's Court, Proddatur, YSR Kadapa District.

Accordingly, the Transfer CMP is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

19-11-2015

Nvl

