

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.607 of 2014

ORDER:

This petition is filed to withdraw H.M.O.P.No.6 of 2012 from the file of Principal Senior Civil Judge, Chittoor, and transfer the same to Senior Civil Judge's Court, Kurnool.

2. Wife filed this petition and according to her affidavit, she is residing at Chittoor with her parents due to disputes with respondent-husband. She stated that she filed M.O.P.No.6 of 2011 on the file of the Principal Senior civil Judge, Kurnool, for judicial separation, but it was dismissed for non-prosecution. She stated that husband filed H.M.O.P.No.6 of 2012 before Principal Senior Civil Judge, Chittoor, for dissolution of marriage. As her parents are old, she is unable to undertake journey and that distance between Chittoor and Kurnool is about 370 kms. and she did not have any shelter at Chittoor, she prayed for transfer of H.M.O.P.No.6 of 2012.

3. Respondent-husband filed counter disputing the affidavit averments of petitioner and according to counter, H.M.O.P.No.6 of 2012 filed for dissolution of marriage and trial is already commenced and his side evidence is also closed and petitioner herein cross-examined all his witnesses and when the matter is posted for her evidence, she filed this transfer C.M.P. and that there are no *bonafides*. It is further contended the allegation that her

father sustained fracture of leg is not correct and it is ill founded and this transfer C.M.P. is filed only to cause inconvenience to respondent.

4. Heard arguments.

5. Advocate for petitioner submitted that as petitioner is a lady, it is difficult for her to travel from Kurnool to Chittoor for the purpose of defending H.M.O.P.No.6 of 2012.

6. I have perused the material papers including counter. As seen from the counter, trial has already commenced and evidence on behalf of respondent herein is already over and it is coming for the evidence of wife i.e., petitioner herein. When petitioner has already attended Chittoor Court and participated in the trial, now at the stage of recording her evidence pleading inconvenience, in my view, is not tenable. Further, as seen from the material, the case is pending before Senior Civil Judge's Court, where the presence of petitioner is not required for each and every adjournment and she can be represented by an Advocate and she can attend for one time i.e., at the time of giving her evidence. Even if, she feels any difficulty to attend the Court for giving evidence, she can avail the opportunity of appointment of Advocate Commissioner, for these reasons, I do not find any grounds to transfer H.M.O.P.No.6 of 2012 from Chittoor to Kurnool.

7. Accordingly, the transfer C.M.P. is dismissed. No costs.

8. Miscellaneous Petitions pending, if any, shall stand dismissed.

S. RAVI KUMAR, J

17th March 2015.

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