

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

TR. C.M.P. No. 613 of 2015

ORDER:

This Tr. C.M.P. is filed seeking to transfer F.C.O.P.No.258 of 2014 from the Court of the Judge, Family Court at Nellore to the Court of the Senior Civil Judge at Bapatla.

According to the petitioner, her marriage with the respondent was performed on 13.11.2011. Thereafter, the respondent and his family members started harassing her physically and mentally for additional dowry. Unable to bear their harassment, she filed a private complaint before the Additional Judicial Magistrate of First Class, Bapatla and the same was forwarded to Bapatla Police Station for investigation, who registered the same as Crime No.61 of 2013 for the offences punishable under Section 498-A IPC and Sections 3 & 4 of the Dowry Prohibition Act. Subsequently, she filed M.C.No.20 of 2013 on the file of the Additional Junior Civil Judge-cum-Judicial Magistrate of First Class, Bapatla for maintenance and the same was allowed. Pursuant to which, she filed an application seeking arrears of maintenance and the same is pending adjudication. Later on, she filed D.V.C.No.3 of 2014 which is also pending. While so, the respondent, with a view to harass her, filed F.C.O.P.No.258 of 2014 on the file of the Judge, Family Court, Nellore for dissolution of marriage, with false and frivolous allegations. The grievance of the petitioner is that as she is staying at her parents' house at Bapatla and she has no source of income and being a woman, it is very difficult for her to attend the Court at Nellore by traveling a long distance of 220 kilometers and spending a sum of Rs.1,000/- on each and every adjournment. Hence, the present transfer petition.

Heard the learned counsel for the petitioner.

Learned counsel for the respondent submits that the respondent is willing to bear the expenses that may be incurred by the petitioner for attending the Court at Nellore, as it is difficult for him to attend the Court at Bapatla by obtaining leaves.

It is to be seen that since D.V.C.No.3 of 2014 and the application filed by the petitioner seeking arrears of maintenance are pending before the Courts at Bapatla and as the respondent is attending the said Courts at Bapatla, it would be convenient for both the parties if the F.C.O.P.No.258 of 2014 is transferred from the Court of the Judge, Family Court at Nellore to the Court of the Senior Civil Judge at Bapatla. The respondent can also attend the Courts at Bapatla by seeking a

common date of hearing of the cases, instead of attending the Courts on different dates.

In view of the above facts and circumstances, the Tr.C.M.P. is allowed and the F.C.O.P.No.258 of 2014 is withdrawn from the Court of the Judge, Family Court at Nellore and transferred to the Court of the Senior Civil Judge at Bapatla. However, considering the request of the learned counsel for the respondent, the Senior Civil Judge, Bapatla, is directed not to insist the presence of the respondent on each and every date of adjournment except on the dates of conciliation proceedings and cross-examination. There shall be no order as to costs.

Consequently, interim stay granted on 09.10.2015 is vacated and miscellaneous petitions, if any, pending in the Tr.C.M.P. shall stand dismissed.

A. RAJASHEKER REDDY, J.

1st December, 2015

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