THE HON'BLE SRI JUSTICE A.RAJASHEKAER REDDY

TR.C.M.P.NO.195 OF 2014

O R D E R:

This transfer C.M.P. is filed by the petitioner for transfer of O.P.No.8 of 2014 from the file of the Family Court, Vijayawada, Krishna District to the file of the Family Court, Guntur.

The case of the petitioner-wife is that the respondent-husband filed O.P.No.8 of 2014 against her for grant of divorce. The marriage of the petitioner with the respondent took place on 30.05.2009 and they were blessed with a daughter, who is of two years age. When the respondent is not maintaining the petitioner, she filed M.C.No.109 of 2014, which is pending on the file of the Family Court at Guntur. In O.P.No.8 of 2014 filed by the respondent, she received summons from the Family Court, Vijayawada. It is stated that the petitioner is unable to attend the Court at Vijayawada, for defending O.P.No.8 of 2014, as her daughter is of two years old and more so, the respondent herein is attending the Family Court at Guntur, for defending M.C.No.109 of 2014.

It is seen from the record that the notice issued to the respondent in the present transfer petition is returned with an endorsement 'intimation served' to the respondent. The endorsement also shows that the notice was issued to the address of the respondent in O.P.No.8 of 2014. As such, I deem it served. under Section 27 of General Clauses Act.

The averments made in the affidavit filed in support of the transfer petition go to show that the respondent is attending the Family Court at Guntur for defending M.C.No.109 of 2014 filed by the petitioner and she has a daughter of two years old. The Apex Court in **SUMITA SINGH VS. KUMAR SANJAY & ANOTHER**[1] held that transferring matrimonial proceedings initiated by the husband, the convenience of wife must be looked at.

In view of the facts and circumstances and more so, the averments made in the affidavit filed in support of the transfer petition, the Transfer C.M.P. is allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dt.24.11.2015
TJS

[1]) AIR 2002 SC 396.