

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFER C.M.P.NO.614 OF 2015

ORDER:

This Transfer C.M.P. is filed by the petitioner-wife for transfer of H.M.O.P.No.109 of 2015 filed by the respondent-husband, pending on the file of Principal Senior Civil Judge, Machilipatnam to the file of Judge, Family Court, Ranga Reddy District at Malkajgiri.

The case of the petitioner is that her marriage with the respondent was performed on 22.11.2004 at Arya Samaj Mandir, Koti, Hyderabad as per Hindu rites and customs. After their marriage, both of them lived together for a short period. Thereafter, some disputes arose between the petitioner and the respondent. The respondent filed O.P.No.662 of 2013 on the file of Judge, Family Court, Ranga Reddy District against the petitioner for divorce and on the intervention of elders and well wishers of both the petitioner and respondent, the respondent not pressed the said O.P. and the Judge, Family Court, Ranga Reddy District, by order, dt.28.08.2013 dismissed the said O.P., as not pressed. Thereafter, the respondent filed H.M.O.P.No.109 of 2015 before the Principal Senior Civil

Judge, Machilipatnam, for divorce. It is also the case of the petitioner that they never lived together at Machilipatnam and as their marriage took place at Malkajgiri, Hyderabad, no cause of action arose within the jurisdiction of Machilipatnam and it is difficult for the petitioner to travel from Ranga Reddy District to Machilipatnam. It is the further case of the petitioner that on the date of filing of the said O.P., she is jobless and at present she is working in a private firm at Ranga Reddy District. Therefore, it is difficult for her to attend the court at Machilipatnam on every date of hearing.

Though the respondent is served with notice, no counter affidavit is filed and there is no representation on his behalf.

The averments made in the affidavit filed in support of the transfer petition go to show that both the petitioner and respondent lived together at Malkajgiri and at present the petitioner is living with her parents at Kuntluru, Ranga Reddy District. Taking into consideration the financial position of the petitioner, I am of the opinion that the convenience of the petitioner should be seen, as per the decision of the Apex Court in SUMITA SINGH VS. KUMAR SANJAY & ANOTHER^[1] wherein it was held that while transferring matrimonial proceedings initiated by the husband, the convenience of wife

must be looked at.

In view of above facts and circumstances and the averments made in the affidavit filed in support of the Transfer C.M.P., more so, the decision of the Apex Court referred to supra, the Transfer C.M.P. has to be allowed, transferring H.M.O.P.No.109 of 2015 from the file of Principal Senior Civil Judge, Machilipatnam, to the file of Judge, Family Court, Ranga Reddy District at Malkajgiri.

The Transfer C.M.P. is accordingly allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dt.30.11.2015
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