

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFER C.M.P.NOS.766 & 767 OF 2015

COMMON O R D E R:

Transfer C.M.P.No.766 of 2015 is filed by the petitioner-wife against the respondent-husband for transfer of F.C.O.P.No.195 of 2012 filed by the respondent-husband for grant of divorce, pending on the file of Judge, Family Court, City Civil Court at Secunderabad to the Family Court, Guntur and Transfer C.M.P.No.767 of 2015 is filed by the petitioner-wife for transfer of F.C.O.P.No.221 of 2015 instituted by her for restitution of conjugal rights, pending on the file of Judge, Family Court, City Civil Court at Secunderabad to the Family Court, Guntur.

Since parties to both Transfer C.M.Ps., are one and the same, they are being disposed of by a common order.

The case of the petitioner is that her marriage with the respondent took place on 25.05.1997 at Dhawaraka Thirumala, West Godavari District according to Hindu rites and ceremonies. Due to some disputes, the petitioner filed O.P.No.182 of 2013 before the Judge, Family Court at Guntur for restitution of conjugal rights and the said O.P. was

transferred to the Judge, Family Court, City Civil Court, Secunderabad. Earlier, the petitioner filed Transfer C.M.P.No.415 of 2013 before this Court seeking transfer of O.P.No.195 of 2012 filed by the respondent-husband for grant of divorce, from the file of the Family Court, Secunderabad to the file of Family Court at Guntur and the respondent-husband filed Transfer C.M.P.No.362 of 2013 seeking transfer of O.P.No.182 of 2013 filed by the petitioner-wife from the file of Family Court, Guntur to the file of Family Court, Secunderabad. The Transfer C.M.P. No.415 of 2013 filed by the petitioner is dismissed and Transfer C.M.P.No.362 of 2013 filed by the respondent-husband was allowed. As a result, F.C.O.P.No.182 of 2013 which is pending on the file of Family Court, Guntur was transferred to the Family Court, Secunderabad. Hence, the present Transfer C.M.Ps., are filed by the petitioner for transfer of F.C.O.P.Nos.195 of 2012 and 221 of 2015 from the file of Family Court, Secunderabad to the Family Court, Guntur respectively.

The learned counsel for the petitioner submits that the petitioner is living at the mercy of her widowed mother and residing at Guntur and her mother and brother are residing in U.S.A. and the respondent is doing job as an Officer at

Secretariat and he is having vast influence and she came to know that her husband is a friend to the husband of Presiding Officer of Family Court at Secunderabad. The name of that Presiding Officer is Sri Ghandi, who is native of Tenali, Guntur District and he is not giving any opportunity to the petitioner to defend her case and is always supporting her husband in leading evidence. The petitioner is unable to travel all the way from Guntur to Hyderabad, which is 300 kms., away to Secunderabad. It is also stated that the respondent-husband is harassing the family members of the petitioner and whenever she comes to Hyderabad for prosecuting her case, some unknown persons are following her and this type of incidents occurred on 30.10.2015 and 07.11.2015. The learned counsel for the petitioner also submits that the petitioner earlier filed Review Transfer C.M.P.Nos.889 & 993 of 2015 in Transfer C.M.P.No.362 of 2014 and the same was filed along with a petition to condone delay and the said delay petition was dismissed. The learned counsel also submits that the grounds raised by her in the earlier Transfer C.M.P.No.362 of 2013 and present Transfer C.M.Ps., are different.

It has to be seen that the petitioner has filed Transfer C.M.P.Nos.698 and 874 of 2015 for transfer of O.P No. 197 of

2012 and O.P No. 182 of 2013 pending on the file of Family Court, Secunderabad after dismissal of Transfer CMP No. 415 of 2013 filed by her on merits and the same were withdrawn on 30.11.2015 with permission of this court to withdraw the said Transfer C.M.Ps.

Since the grounds taken in paras 8, 9 and 10 are concerned, they are raised by the petitioner in the earlier Transfer C.M.P No. 415 of 2013 filed by her and other reasons stated by her are vague and no docket proceedings are filed to show that the petitioner was not given an opportunity. When once the Transfer C.M.Ps., are dismissed on merits, present transfer CMPs on the same grounds cannot be entertained. Hence, the Transfer C.M.Ps., are liable to be dismissed and even the other grounds raised by the petitioner appear to be very vague.

In view of above circumstances, I do not see any merits in the present Transfer C.M.Ps. Accordingly, the Transfer C.M.Ps., are dismissed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dt.21.12.2015
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