

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFAER C.M.P.NO.607 OF 2015

ORDER:

This Transfer C.M.P. is filed by the petitioner-wife for transfer of F.C.O.P.No.1169 of 2015 filed by the respondent-husband, for divorce, which is pending on the file of Judge, Additional Family Court, Visakhapatnam to the file of Judge, Family Court, Ranga Reddy District at L.B.Nagar.

The case of the petitioner is that her marriage with the respondent was performed on 16.02.2008 at Visakhapatnam and they were blessed with a son. When the respondent and his family members started demanding additional dowry, the petitioner made a complaint against the respondent and his family members, on the file of the Station House Officer, Miyapur Police Station, for the offences under Section 498-A I.P.C., and Sections 3 and 4 of the Dowry Prohibition Act and the same was registered as a case in Cr.No.642 of 2015. The respondent filed FCOP.No.1169 of 2015 on the file of the Additional Family Court at Visakhapatnam, seeking divorce, by dissolving the marriage.

Heard the learned counsel for the petitioner. The learned

counsel for the petitioner submits that the petitioner is unable to travel all the way from Ranga Reddy District to Visakhapatnam.

The learned counsel for respondent opposed the transfer of FCOP.No.1169 of 2015 and states that in case, if this case is transferred from Visakhapatnam to Ranga Reddy District, the presence of respondent may be dispensed with, since the respondent is represented by G.P.A., who is a senior citizen.

In this case, it has to be seen that a criminal case in Cr.No.642 of 2015 filed by the petitioner is pending against the respondent and G.P.A. also. Any how, they have to attend the proceedings before the criminal court, which is at Hyderabad. The petitioner states that she being a lady, without any male assistance, is unable to travel all the way from Hyderabad to Visakhapatnam. The Apex Court in **SUMITA SINGH VS. KUMAR SANJAY AND ANOTHER**^[1] held that while transferring matrimonial proceedings initiated by the husband, the convenience of wife must be looked at.

In view of the above facts and circumstances, F.C.O.P.No.1169 of 2015 pending on the file of the Additional Family Court, Visakhapatnam is transferred to the file of the Judge, Family Court, City Civil Court, Hyderabad. However, the

court below may not insist for the presence of the respondent on each and every date of adjournment, except on the dates of conciliation proceedings and cross-examination.

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.10.12.2015
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[\[1\]](#)) AIR 2002 SC 396