

HONOURABLE SRI JUSTICE M.S.K.JAISWAL

TR.CRL.P.No.202 of 2011

ORDER:

The petitioner, who is husband of the 1st respondent herein, seeks transfer of D.V.C.No.1 of 2010 from II Additional Judicial Magistrate of First Class, Eluru, West Godavari District, to any other Judicial Magistrate of First Class Court at Vijayawada, Krishna District.

The marriage between the petitioner and the 1st respondent was solemnized on 10.06.2006 and they were blessed with a child. By the date of marriage, the 1st respondent was practicing as an Advocate at Eluru. The petitioner is working as Senior Manager, HPCL, Bhubaneswar, Orissa State. After the differences have arisen, the 1st respondent filed D.V.C.No.1 of 2010 against the petitioner and his relatives before the II Additional Judicial Magistrate of First Class, Eluru.

It is further stated that the petitioner filed F.C.O.P.No.1220 of 2010 in the Family Court, Hyderabad, for divorce against the 1st respondent. Thereafter, the 1st respondent filed Tr.C.M.P.No.724 of 2010 seeking transfer of aforesaid F.C.O.P.No.1220 of 2010 to the Family Court, Eluru, and that this Court by order dated 04.07.2011 allowed the said petition and transferred the said F.C.O.P.No.1220 of 2010 to the Family Court, Vijayawada, instead of Eluru.

The case of the petitioner is that he has been facing

much trouble to attend and prosecute the D.V.C.No.1 of 2010 at Eluru in view of the fact that the 1st respondent is a practicing advocate at Eluru, having good influence in the locality and that the advocates at Eluru are not preparing to appear on his behalf in the said case. His further case is that if the D.V.C.No.1 of 2010 pending in the Court of Eluru is transferred to the Court at Vijayawada, no prejudice will be caused to the 1st respondent and more over it is convenient for her to attend both the cases at one place.

Learned Counsel appearing on either side submitted that it would be convenient for both the parties if the D.V.C.No.1 of 2010 is transferred to the Junior Civil Judge Court at Gannavaram, Krishna District.

In the light of the aforesaid submission, without going into the merits of the case, the Transfer Criminal Petition is allowed and D.V.C.No.1 of 2010 is withdrawn from the Court of the II Additional Judicial Magistrate of First Class, Eluru, West Godavari District, and transferred to the Court of the Junior Civil Judge, Gannavaram, Krishna District.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

24-07-2015
Gsn

