

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.324 OF 2015

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ORDER:

The case of the petitioner is that her husband who is the respondent herein filed H.M.O.P.No.27 of 2015 on the file of Senior Civil Judge Court, Repalle, Guntur District, under Section 13(I) (ia) (ib) of the Hindu Marriage Act, seeking decree of divorce by dissolving their marriage. The petitioner states that she is working as a Staff Nurse, at District Area Government Hospital, Thandur and residing at Thandur and that it is highly expensive, great inconvenience and hardship to her to attend the Court at Repalle for every hearing in HMOP No.27/2015, as she is having two minor daughters and old aged parents who are suffering with various ailments and as such she seeks transfer of the said OP to the Court of Senior Civil Judge, Vikarabad, Ranga Reddy District.

The respondent filed counter stating that petitioner is living along with her parents in Tandur and as such she can leave her children for one day with her parents and can attend the Court at Repalle. It is also stated that the respondent is suffering from Lumber Spondylitis and in view of the same he is unable to undertake long journey in case the said OP is transferred from Repalle to Vikarabad. It is further stated that his mother is a diabetic patient and he has to look after her and he cannot leave her mother alone and that the petitioner being a government employee is getting Rs.30,000/- per month by way of salary whereas he is an unemployee and it is very expensive to him to attend the Court at Vikarabad. He further stated that the petitioner being a Government employee may be transferred at any time from the present place to any other place, as such, the plea of the petitioner for transfer of the present OP from Repalle to Vikarabad is unjust and sought for dismissal of the transfer CMP.

Learned counsel for the petitioner relies on the Judgment rendered by the Supreme Court in ***Sumita Sing v. Kumar Sanjay and another*** wherein it was held that in transfer of matrimonial proceedings initiated by the husband against wife, it is the convenience of wife that has to be looked at.

Heard Sri R.Radha Krishna Reddy, learned counsel for the respondent who reiterated the submissions made in the counter affidavit.

It is admitted by both the parties that their marriage took place within the jurisdiction of the Court at Repalle and the only ground on which the transfer petition is filed that the petitioner is working as Staff Nurse at District Area Government Hospital, Tandur and having two minor daughters and old aged parents and it is difficult for her to attend Repalle for every hearing in the OP. On the other hand the respondent claims that he is suffering from Lumbar Spondylitis and he cannot undertake long journeys. Though the respondent filed medical reports, nowhere in the reports it is indicated that the respondent is unable to move or advised bed rest. As far as medical reports of his mother is concerned nowhere in the reports it is stated that his mother is in serious condition and as such it cannot be said that the respondent cannot move for one day to attend the Court at Repalle. More so, in the judgment relied on by the petitioner the Apex Court categorically held that it is convenience of wife that has to be taken into consideration while disposing of the transfer petitions.

Since the petitioner is having two minor daughters and old aged parents and since she is working at Tandur which is far away from Repalle where the HMOP No.27/2015 is instituted and since both the counsel stated that the HMOP can be transferred to any other convenient place where both parties can attend the Court conveniently, and in view of the Apex Court Judgment relied on by the petitioner, the HMOP No.27 of 2015 on the file of Senior Civil Judge Court, Repalle, Guntur District, is transferred to the Family Court, Ranga Reddy District at L.B.Ngar. The presence of the respondent herein may be dispensed with for the present in the said OP. However, it is open for the Court below to call him as and when required.

Accordingly, the Transfer CMP is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions if any pending shall stand closed.

A.RAJASHEKER REDDY, J

03.11.2015

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