

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

* * * *

Tr.C.M.P. No.256 of 2014

Between:

P.Naga Maha Lakshmi

.. Petitioner

and

P.Naga Sitha Ramaiah

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 03.08.2015

SUBMITTED FOR APPROVAL:

-
-

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

- | | |
|--|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wishes to
see the fair copy of the Judgment? | Yes/No |

-
-
-
-
-
-

-
-

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P. No.256 of 2014

ORDER:

 This petition is filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.154 of 2013 from the file of the Senior Civil Judge at Machilipatnam and transfer the same to the file of III Additional Senior Civil Judge, Kakinada, East Godavari District for disposal in accordance with law.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 08.03.2007 at Sri Balaji Swamy Vari Devasthanam at Appanapalli as per Hindu Rites and Caste Custom. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, the petitioner and the respondent were blessed with a daughter. Basing on the complaint lodged by the petitioner, the Station House Officer, Women Police Station, East Godavari District registered a case in Crime No.21 of 2012 against the respondent and others for the offences punishable under Sections 498-A read with 34 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The respondent filed H.M.O.P.No.154 of 2013 on the file of the Senior Civil Judge, Machilipatnam for dissolution of marriage between him and the petitioner.

4. At the time of arguments, the learned counsel for the respondent submitted that the respondent herein faced the trial in C.C.No.509 of 2012 on the file of V Additional Judicial First Class Magistrate, Kakinada. After full-fledged trial, the respondent was acquitted in

C.C.No.509 of 2012. As on today, no case is pending against the respondent in Kakinada. Moreover, this Court vacated the interim stay on 19.03.2015. The respondent paid an amount of Rs.6,00,000/- to the petitioner in pursuance of the Memorandum of Understanding, dated 08.07.2012. A perusal of the record further reveals that the respondent has been looking after the welfare of his daughter by admitting her in Kommareddy Public School, Bantumilli, Krishna District. The fact remains that the petitioner alone is residing at her parents' house. If the petition is allowed, the respondent may face some difficulty to attend the Court at Kakinada while looking after the welfare of his minor daughter. As observed earlier, the respondent has already paid an amount of Rs.6,00,000/- to the petitioner. Hence, there are no grounds much less valid grounds for allowing of the petition. Viewed from any angle, the petition lacks merits and *bona fides*.

5. In the result, the Transfer Civil Miscellaneous Petition is dismissed. There shall be no order as to costs.

6. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition, shall stand closed.

-

T.SUNIL CHOWDARY, J

Date: 03.08.2015

lvd