

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.703 OF 2015

ORDER :

This transfer petition is filed to withdraw and transfer OP No.111 of 2015 on the file of the Principal Senior Civil Judge, Rajahmundry, East Godavari District to the Court of Judge, Family Court, Guntur, Guntur District.

It is the case of the petitioner that her marriage with the respondent was performed on 10.04.2015 at Guntur as per Hindu Rights and Customs. After the marriage, they lived together happily at Rajahmundry, which is native place of respondent. As the respondent and his family members harassing the petitioner, she filed DVC No.43 of 2013 before the Special Mobile Magistrate, Guntur and also lodged complaint under Section 498-A IPC of Arundalpet Police Station and same is registered as Crime No.347 of 2013 and numbered as CC No.276 of 2014 on the file of V Additional Junior Civil Judge, Guntur. The petitioner also filed FCOP No.328 of 2014 on the file of Family Court, Guntur for restitution of conjugal rights and the respondent is attending all these cases at Guntur. That the respondent filed O.P.No.111 of 2015 on the file of Principal Senior Civil Judge, Rajahmundry, East Godavari for grant of divorce. It is stated that the petitioner is unable to travel all the way from Guntur to Rajahmundry to defend her case in O.P.No.111 of 2015 on the file of Principal Senior Civil Judge, Rajahmundry.

Heard both sides.

Since the DVC No.43 of 2013, CC No.276 of 2014 and FCOP No.328 of 2014 filed by the petitioner are pending at Guntur, Guntur District and the respondent is attending the said proceedings at Guntur, there is no justification for the petitioner to travel all the way from Guntur to Rajahmundry to attend OP No.111 of 2015 before the Principal Senior Civil Judge, Rajahmundry along with boy. Moreover, the Hon'ble Supreme Court in ***Sumita Sing v. Kumar Sanjay and another***^[1] 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. In order to avoid conflicting judgments, FCOP No.328 of 2014 on the file of Family Court, Guntur filed by the petitioner should be tried along with O.P.No.111 of 2015 on the file of the Principal Senior Civil Judge, Rajahmundry filed by the respondent.

In view of above facts and circumstances, O.P.No.111 of 2015 on the file of the Principal Senior Civil Judge, Rajahmundry filed by the respondent is transferred to the Family Court, Guntur to be tried along with FCOP No.328 of 2014, filed by the petitioner. However, the presence of the respondent may be disposed with on each and every date of hearing.

Accordingly, this Transfer CMP is allowed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

31.12.2015

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[\[1\]](#) AIR 2002 SUPREME COURT 396