

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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TR.CMP.NO.427 OF 2015

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ORDER:

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This Transfer C.M.P. is filed by the petitioner for transfer of O.P.No.346 of 2015 pending on the file of the Family Court, Vijayawada, Krishna District, to the Family Court, Anantapur.

The case of the petitioner is that the respondent herein filed O.P.No.346 of 2015 before the Family Court, Vijayawada, Krishna District for restitution of conjugal rights. The petitioner is the legally wedded wife of the respondent and their marriage was solemnized on 18.04.2010 at Vidyuth Kalabharati at Anantapur as per Muslim rites, customs and ceremonies in the presence of elders and well wishers of both parties. Subsequently, the marriage was consummated and they were blessed with two children. The petitioner seeks to transfer the said O.P.No.346 of 2015 for restitution of conjugal rights before the Family Court, Vijayawada, Krishna District and the same may be transferred to the Family Court, Anantapur.

Though notice is taken out by way of substitute service and the proof of service is also filed, there is no appearance on behalf of the respondent and no counter affidavit is filed.

The learned counsel for the petitioner submits that since the petitioner had two minor girls and she has to travel all the way from Anantapur to Vijayawada for defending the O.P. filed by the respondent. She also filed M.C.C.F.No.3964, dt.13.07.2015 before the Additional Judicial First Class Magistrate, Anantapur, under Section 125 Cr.P.C.

Since no counter affidavit is filed opposing the same, the allegations made by the petitioner in the affidavit filed in support of the Transfer petition are uncontroverted and in view of the difficulties expressed by the petitioner in not able to attend the Court at Vijayawada, I deem it appropriate that O.P.No.346 of 2015 can be transferred from the Family Court at Vijayawada, Krishna District to the file of the Judge, Family Court, Anantapuram.

Accordingly, the Tr.C.M.P. is allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dt.04.11.2015

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