

**HON'BLE SRI JUSTICE T. SUNIL CHOWDARY**

TRANSFER CIVIL MISCELLANEOUS PETITION No.488 of 2014

**ORDER:**

This petition is filed under Section 24 CPC to withdraw O.P. No.1256 of 2012 from the file of Additional Family Court, City Civil Courts, Hyderabad, and transfer the same to the file of Senior Civil Judge Court, Kandukur, Prakasam District for disposal in accordance with law.

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

3. The marriage of the petitioner was performed with the respondent on 10.6.2009 at Lingamgunta village of Maddipadu Mandal in Prakasam District, as per the Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Out of lawful wedlock, they were blessed with a daughter. Basing on the complaint lodged by the petitioner, the Station House Officer, Ponnalur Police Station, Prakasam District, registered a case in Crime No.57 of 2012 against the respondent and others for the offences under Section 498-A and 323 read with 34 IPC and Sections 3 and 4 of Dowry Prohibition Act. The respondent filed O.P. No.1256 of 2012 on the file of Additional Family Court, City Civil Courts, Hyderabad, for dissolution of the marriage between him and the petitioner herein. The petitioner herein filed Transfer CMP No.93 of 2013 before this court seeking transfer of O.P. No.1256 of 2012 from the file of Additional Family Court, City Civil Courts, Hyderabad, to the file of Senior Civil Judge, Kandukur, Prakasam District. For one reason or the other, the petitioner has withdrawn the said transfer petition. It is needless to say that the party, who seeks transfer of the matter, ought to have filed transfer petition at the earliest point of time preferably before filing of the counter in that matter. At the time of the arguments, learned counsel for the respondent submitted that the

matter is coming up for cross-examination of P.W.1 i.e., the respondent herein. If this type of petitions are allowed, it would encourage the parties to protract the proceedings by filing this type of petitions at any stage of the proceedings. The petitioner has not made out grounds much less valid grounds to allow the petition. The petition lacks merits and bona fides. Hence, the petition is liable to be dismissed.

4. In the result, the Transfer CMP is dismissed. However, the presence of the petitioner in O.P. No.1256 of 2012 on the file of the Additional Family Court, City Civil Courts, Hyderabad, on each and every date of adjournment, is hereby dispensed with. The petitioner shall appear before the Court as and when her presence is so required. As a sequel, miscellaneous petitions, if any pending in this transfer petition, shall stand closed.

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**T.SUNIL CHOWDARY, J**

Date: 22.6.2015.

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