

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.796 of 2014

ORDER:

This petition is filed to withdraw H.M.O.P.No.31 of 2014 from the file of Senior Civil Judge, Proddatur and transfer the same to Principal Senior Civil Judge, Narasaraopeta, Guntur District.

2. Petitioner-wife filed this petition and according to her affidavit, her marriage was performed with respondent-husband on 23.11.2012 at Duvvuru, Kadapa District, and due to differences she is living separately. She contended that she recently got job in A.P.S.R.T.C. as Conductor and she is living in Narasaraopeta in the quarters provided by the Department and the husband filed H.M.O.P.No.31 of 2014 at Proddatur and it is difficult for her to attend the Court for each and every adjournment from Narasaraopeta to Proddatur. She further contended that as she got job recently, it is difficult for her to secure leave and on that ground, she sought transfer of H.M.O.P.No.31 of 2014 from Senior Civil Judge, Proddatur to Principal Senior Civil Judge, Narasaraopeta.

3. Respondent-husband opposed the petition. Advocate for respondent submitted that respondent is a un-employee and wife filed case for the offence under Section 498-A IPC case at Duvvuru, which is nearer to Proddatur and the ground urged by petitioner for transfer

of H.M.O.P. from Proddatur to Narasaraopeta is not tenable. It is further submitted that H.M.O.P. is filed for dissolution of marriage on the ground she got pre-marital relationship.

4. Heard both sides.

5. Both advocates submitted their arguments in support of contentions of their respective clients. The main ground on which wife sought transfer of H.M.O.P. from Proddatur to Narasaraopeta is that she recently joined in A.P.S.R.T.C. and it is difficult for her to secure leave. It is also contended that it is difficult for her to travel from Narasaraopeta to Proddatur, but the same cannot be accepted in view of the nature of job of petitioner-wife i.e., bus conductor. Now with regard to getting leave frequently for the purpose of attending the Court, the same cannot be accepted because the Senior Civil Judge's Court, Proddatur is not a Family Court and presence of petitioner-wife is not necessary for each and every adjournment and she can attend the Court at the time of giving evidence and for that there may not be any difficulty in getting leave. In fact if it is transferred to Narasaraopeta, for attending the Court at Narasaraopeta also she has to apply for permission or leave, so that it makes no difference. When she filed 498-A IPC case at Duvvuru in Kadapa District, which is nearer to Proddatur, there cannot be any difficulty for petitioner to attend Proddatur Court also when she is attending Duvvuru

Court in connection of 498-A IPC case. For these reasons, I am of the view that there are no valid grounds for transfer of H.M.O.P.No.31 of 2014 from Senior Civil Judge, Proddatur to Principal Senior Civil Judge, Narasaraopeta. However, since the H.M.O.P. is of the year 2014,

I feel by directing the Court below to dispose of H.M.O.P., as expeditiously as possible, by dispensing with the presence of petitioner herein for each and every adjournment, this petition can be dismissed. However, she shall appear as and when her physical presence is necessary for any specific purpose.

6. Accordingly, transfer C.M.P. is dismissed with the above observation. No costs.

7. Miscellaneous Petitions, if any, shall stand closed.

S. RAVI KUMAR, J

3rd March 2015.

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