

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFER C.M.P.NO.601 OF 2015

ORDER:

This Transfer C.M.P. is filed by the petitioner/wife against the respondent/husband for transfer of F.C.O.P.No.53 of 2015 pending on the file of Judge, Family Court, Tirupati, Chittoor District to the file of Judge, Family Court, Kadapa, YSR Kadapa District, which was instituted by the petitioner for declaring the marriage with the respondent as null and void.

The case of the petitioner is that the respondent forcibly took the petitioner to Chittoor and confined her in a room. On 23.01.2015 he took her to Vinayaka Swamy Temple and tied the knot against her will and took her to the Registrar Office, Chittoor and registered the marriage. As the petitioner did not give consent to the marriage, she immediately filed the present F.C.O.P., for dissolution of the marriage. In the month of June 2015, the petitioner resigned her job at Saisudha Hospital, Tirupati and joined as Ophthalmic Asistant, Raja Vengal Reddy Eye Hospital, Kaddapah District. It is also the case of the petitioner that whenever the case is posted, the respondent is threatening her for closing the said F.C.O.P.

In the counter affidavit filed by the respondent, it is stated that he married the petitioner on 23.01.2015. The father of the petitioner, who is against their marriage, lodged a complaint with the police on 24.01.2014 in F.I.R.No.16 of 2015 and forcibly took away the petitioner, though she is a major and their marriage was performed with her consent. From the date of their marriage, the father of the petitioner is not permitting the petitioner to meet the respondent or to come out of her house and he made the petitioner to file the present transfer petition, in order to divert her mind. Since the petitioner is not willing to proceed with the said F.C.O.P., the father of the petitioner sent her to Kadapa and threatening the respondent with the support of her maternal aunt and uncle. It is also stated that the petitioner did not lodge a complaint against him and the police have not registered any case on the report of the petitioner, which speaks about the truth of their marriage and false claim at the instance of the father of the petitioner.

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

It has to be seen from the record that on 23.01.2015 the father of the petitioner gave a complaint before the police and the same was registered as F.I.R.No.16 of 2015 on the file of

East Police Station, Tirupati. The petitioner stated that as the respondent is following her, she resigned her job in Tirupati in the month of June 2015 and now she is working at Raja Vengal Reddy Eye Hospital, Kadapa. Therefore, she is unable to prosecute the case at Tirupati. The petitioner also denied that the father of the petitioner got filed the present F.C.O.P. The distance between Kadapa to Chittoor is nearly 150 kms. The petitioner also states that the respondent is watching the movements of the petitioner and in view of above facts and circumstances, the petitioner cannot be expected to travel from Kadapa to Chittoor for prosecuting F.C.O.P.No.53 of 2015 pending on the file of the Judge, Family Court, Chittoor. The Apex Court in SUMITA SINGH VS. KUMAR SANJAY AND ANOTHER^[1] held that while transferring matrimonial proceedings initiated by the husband, the convenience of wife must be looked at.

In view of above facts and circumstances, it can not be held that the father of the petitioner forced her to stay at Kadapa and made her to file F.C.O.P.No.53 of 2015 and initiated criminal proceedings against the respondent. Therefore, the convenience of the petitioner has to be looked into.

The Transfer C.M.P. is, therefore, allowed, transferring

F.C.O.P.No.53 of 2015 pending on the file of Judge, Family Court, Tirupati, Chittoor District to file of the Judge, Family Court, Kadapa. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dt.16.12.2015
TJS.

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