

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.526 OF 2014

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ORDER:

This transfer petition is filed seeking to withdraw the Spl.OP No.101/2015, on the file of II Additional District Judge, Suryapet, Nalgonda District and transfer the same to the Family Court, Nizamabad.

The case of the petitioner is that her marriage with the respondent was performed in the year 1976 in a Church at Manikbhandar Village of Makloor Mandal, Nizamabad District; that after the marriage the petitioner joined the company of the respondent and both of them lived together for a period of thirteen years; that out of wed lock they were blessed with three children and that thereafter the respondent deserted the petitioner in the year 1990. As the petitioner has no other go she is staying with her parents at Nizamabad along with her three children and also filed MC.No.49 of 1990 on the file of II Additional Judicial First Class Magistrate at Nizamabad. It is also stated that she was granted maintenance of Rs.600/- per month in the aforesaid MC. Now the respondent filed Spl.OP.No.101/2015 on the file of II Additional District Judge, Suryapet, Nalgonda District, seeking divorce. The grievance of the petitioner is that she is suffering with many diseases and that she is almost bedridden and unable to move out of the house except to attend the basic needs. It is also stated that she has no source of income and eking out her livelihood with much difficulty, and as such filed this transfer petition.

Though notice is served on the respondent, no counter is filed.

Heard learned counsel for the petitioner.

The facts mentioned in the affidavit filed in support of this Transfer CMP goes to show that the petitioner is unable to travel from Nizamabad to Suryapet as she is aged and suffering from ailments and that she has no source of income. Further the Apex Court in ***Sumita Sing v. Kumar Sanjay and another*** 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. Keeping in view the

difficulty expressed by the petitioner and the Judgment of Supreme Court, I deem it proper to transfer Spl.OP.No.101/2015, pending on the file of II Additional District Judge, Suryapept, Nalgonda District to the Family Court, Nizamabad.

Accordingly, the Tr.CMP is allowed and the Spl.OP.No.101/2015, is withdrawn from the file of II Additional District Judge, Suryapept, Nalgonda and transferred to the Family Court, Nizamabad. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall stand closed.

A.RAJASHEKER REDDY, J

15.12.2015

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