

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.690 OF 2015

-

ORDER :

This transfer petition is filed to withdraw O.P.No.356 of 2015 on the file of Family Court Judge, at Vijayawada and to transmit the same to the Family Court, City Civil Court, Hyderabad.

2. It is the case of the petitioner that her marriage with the respondent was solemnized on 15.10.2013 at SDA Central Church Bunder Road, Vijayawada as per customs prevailing in Christian Community. Both of them lived together for some time in Hyderabad. Later, to the surprise of the petitioner, respondent filed O.P.No.356 of 2015 on the file of Judge Family Court at Vijayawada seeking dissolution of marriage under Section 10 of the Indian Divorce Act. That the petitioner is residing at Hyderabad with her mother and searching for employment and that she is not having sufficient means to travel to Vijayawada to defend O.P.No.356 of 2015 filed by the respondent. As such, the present petition is filed to transfer O.P.No.356 of 2015 on the file of Judge, Family Court, at Vijayawada to Family Court, City Civil Court at Hyderabad.

3. Though notice is sent to the respondent on the address given by him in the OP No.356 of 2015 on the file of Family Court, at Vijayawada, same is returned with an endorsement that 'there is no such person in the said address'. The said notice was taken out to the counsel appearing on behalf of respondent, which is served, but no counter is filed by him. There is no appearance on behalf of the respondent, which goes to show that the averments made in the affidavit filed in support of the petition are true.

4. Heard learned counsel for the petitioner.

5. Since the petitioner is residing with her mother and she is not having sufficient means to travel Vijayawada, I am of the opinion that

O.P.No.356 of 2015 on the file of Family Court Judge at Vijayawada is liable to be transferred to the Family Court, City Civil Court, Hyderabad. Moreover, the Hon'ble Supreme Court in ***Sumita Sing v. Kumar Sanjay and another***^[1] 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.

In view of above facts and circumstances, O.P.No.356 of 2015 on the file of Family Court Judge at Vijayawada is transferred to the Family Court, City Civil Court, Hyderabad.

Accordingly, the Tr.CMP is allowed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

31.12.2015
kvs

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.690 OF 2015

Date: 31.12.2015

kvs

[\[1\]](#) AIR 2002 SUPREME COURT 396