

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.C.M.P.No.598 of 2015

ORDER:

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This petition is filed by the petitioner to withdraw the H.M.O.P.No. 87 of 2015 from the file of Principal Senior Civil Judge's Court, Gudivada, Krishna District and transfer the same to the Family Court, Ranga Reddy.

The case of the petitioner is that her marriage was performed with respondent on 08-02-2007 and they lived happily together and were blessed with two children. After some time, the respondent has driven her out of the house. It is further stated that as there is no other alternative, the petitioner came to her parents house at Hyderabad and residing in Hyderabad city. The respondent is a powerful person and threatened the petitioner several times to give divorce and there is threat to her life to go to Gudivada. The respondent is working in Mind Space (CTS) at Hyderabad and only to harass the petitioner, he filed HMOP No.87 of 2015 on the file of Principal Senior Civil Judge at Gudivada. The petitioner also filed a complaint before Gachibowli Police Station and the same was registered in Cr.No.341 of 2015 for the offences under Sections 498-A, 506 IPC and Sections 3 and 4 of Dowry Prohibition Act and sought for transfer of H.M.O.P.

Counter is filed by the respondent admitting the marriage and also denying other allegations stating that all the incidents happened in his village and U.S.A. and petitioner's parents house at Vijayawada. All the witnesses of both sides are residing at Janardhanapuram and surrounding areas of Gudivada. It is stated that the respondent is working at Chennai not at Hyderabad.

Heard learned counsel for the petitioner, who states that the respondent is working in Hyderabad but after filing transfer CMP only, he got transferred to Chennai. It is difficult for the petitioner to travel all the way from Hyderabad to Gudivada.

Heard learned counsel for the respondent, who states that the petitioner's parents house is at Vijayawada and she received notice at Vijayawada.

Now it is to be seen that even according to cause title, the petitioner's permanent address shown at Vijayawada and presently she is residing at Hyderabad. It is stated that all the witnesses are from in and around Gudivada. Since the petitioner states threat to her life, case can be transferred to Vijayawada. The respondent counsel also states that they have no objection if case is transferred to Vijayawada, where the petitioner is permanent resident of Vijayawada and since the petitioner also received notice in O.P. at Vijayawada.

In view of above facts and circumstances, the H.M.O.P. No.87 of 2015 is withdrawn from the file of Principal Senior Civil Judge's Court, Gudivada, Krishna District and transferred to the Family Court at Vijayawada. However, the Judge, Family Court shall not insist the presence of the respondent on each and every adjournment except for conciliation proceedings and at the time of cross-examination and as and when required by the Court.

Accordingly, the Transfer C.M.P. is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

07-12-2015
Nvl