

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFAER C.M.P.NO.664 OF 2015

ORDER:

This Transfer C.M.P. is filed by the petitioner-wife for transfer of F.C.O.P.No.1732 of 2013 from the file of Judge, Family Court at L.B.Nagar, Ranga Reddy District to the file of IV Additional District Judge-cum-Judge, Family Court, Vijayawada, Krishna District, which was filed by the respondent-husband for grant of divorce against the petitioner.

The case of the petitioner is that the marriage of the petitioner with the respondent was solemnized on 11.03.2011 at Pathipadu Village of Vijayawada Rural Mandal, Krishna District as per Hindu rites and caste customs and on 01.06.2011 the petitioner joined the company of the respondent to lead marital life and they were blessed with a male child. Thereafter, the respondent left the house after giving S.M.S. to the petitioner stating that he is not interested with the petitioner. After receipt of notice from the respondent for divorce in the above said F.C.O.P., the petitioner filed O.P.No.385 of 2014 for restitution of conjugal rights on the file of the Judge, Family Court, Vijayawada, Krishna District and the same is transferred

to IV Additional District Judge-cum-Judge, Family Court at Vijayawada, Krishna District. As the respondent is not maintaining the petitioner and her son, the petitioner filed M.C.No.149 of 2014 on the file of the Judge, Family Court, Vijayawada, Krishna District against the respondent. It is also the case of the petitioner that the respondent is permanently residing at Yakamuru Village, Thotavalluru Mandal of Krishna District and the petitioner is residing with her parents at Pathipadu Village, Vijayawada, Krishna District. It is alleged by the petitioner that the respondent intentionally filed the above said F.C.O.P. on the file of Judge, Family Court, Ranga Reddy District, as her father is not hale and healthy and she being a woman, cannot travel without male assistance from Pathipadu Village, Krishna District to Ranga Reddy District court at Hyderabad, to defend her case. More so, O.P.No.385 of 2014 and M.C.No.149 of 2014 filed by her are pending before the Judge, Family Court, Vijayawada, Krishna District and the respondent is attending the Family Court at Vijayawada to defend his case in O.P.No.385 of 2014.

Though notice is served, no counter affidavit is filed by the respondent.

In view of the fact that the averments made by the

petitioner in the affidavit filed in support of the transfer petition stating that the petitioner filed M.C.O.P.No.149 of 2014 and O.P.No.385 of 2014 on the file of the Judge, Family Court, Vijayawada and the respondent is attending the Family Court at Vijayawada are un-controverted, I think that it would be proper to transfer F.C.O.P.No.1732 of 2013 from the file of the Judge, Family Court at L.B.Nagar, Ranga Reddy District to the file of the IV Additional District Judge-cum-Judge, Family Court at Vijayawada, Krishna District, to be tried along with O.P.No.385 of 2014 and M.C.No.149 of 2014.

The Transfer C.M.P. is accordingly allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dt.27.11.2015
TJS

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