

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.C.M.P. No.597 of 2015

ORDER:

This petition is filed seeking transfer of H.M.O.P. No.81 of 2015 from the file of the Senior Civil Judge, Gudur, SPSR Nellore District to the file of the Family Court, Tirupati, Chittoor District.

2. The case of the petitioner-wife is that her marriage with the respondent was solemnized on 26.01.2015 at Lakshmi Venkateswara Kalyana Mandapam, Tiruchanoor Road, Tirupati, in accordance with Hindu customs and traditions, and the presentations were given by the petitioner's parents to the respondent as per the demands and the marriage was celebrated in grand manner. The respondent-husband without any basis filed H.M.O.P. No.81 of 2015 under Section 9 of the Hindu Marriage Act, 1955 on the file of the Senior Civil Judge, Gudur, Nellore District against the petitioner-wife for restitution of conjugal rights and the petitioner is unable to attend the Court at Gudur, which is at long distance from her parents' house at Tirupati, as she is dependent on her old aged parents. The petitioner-wife also filed O.P. in REFR.No.3995 of 2015 on the file of the Family Court-cum-V Additional District Judge, Tirupati, Chittoor District, seeking divorce on the ground of cruelty apart from the other grounds on health condition of respondent-husband and the same was returned with some office objections. The petitioner-wife also made a complaint against the respondent-husband to the Women Police Station, Tirupati, which was registered as an F.I.R. in Crime No.54 of 2015 for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act. Therefore, the petitioner filed this petition seeking the aforesaid relief.

3. No counter is filed and no appearance is made for the respondent-husband.

4. Heard the learned counsel for the petitioner. The Apex Court in ***Sumita Singh vs. Kumar Sanjay***, held that convenience of the wife as paramount consideration in transfer petitions in matrimonial proceedings.

5. In view of the facts and circumstances referred to supra, which are narrated in support of the petition, I am of the view that H.M.O.P. No.81 of 2015 be withdrawn and transferred from the Court of the Senior Civil Judge, Gudur, SPSR Nellore District to the Family Court, Tirupati, Chittoor District.

6. Accordingly, this Transfer C.M.P. is allowed. There shall be no order as to costs.

7. As a sequel thereto, miscellaneous petitions, if any pending in this petition, shall stand closed.

A.RAJASHEKER REDDY, J

18.11.2015

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