

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.80 OF 2015

-

ORDER:

This transfer petition is filed seeking transfer of FCOP No.1057 of 2012 pending on the file of Additional Family Court at Visakhapatnam to the Court of Senior Civil Judge, Peddapuram, East Godavari District, to try along with FC OP.No.7/2014 filed by the petitioner.

The case of the petitioner is that her marriage with the respondent was performed on 08.11.2010 at Ratnagiri Resorts, Annavaram, East Godavari District as per Hindu rites and customs and that after marriage since she was subjected to neglect and ill treatment by the respondent and his family, she returned to her parents place and made several efforts for reunion with the respondent. But, as the efforts made by the petitioner were futile, she filed OP.No.7 of 2014 before the Senior Civil Judge, Peddapuram seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act. In the said OP the petitioner also prayed interim maintenance for which the Court below granted a meagre amount of Rs.1,000/- to the petitioner. Meanwhile, the respondent filed the FC.OP.No.1057 of 2012 on the file of Additional Family Court, Visakhapatnam seeking divorce. The grievance of the petitioner is that it is difficult for her to attend the Court at Visakhapatnam which is 150 K.Ms away from Kakinada, on every date of hearing without any male assistance and also apprehend danger to her life as being threatened by the respondent herein and that it involves both physical and financial burden. As such, the petitioner sought transfer of FC.OP.No.1057/2012 from the Additional Family Court,

Visakhapatnam to the Court of Senior Civil Judge, Peddapuram, East Godavari District to be tried along with the petitioner's FC.OP.No.7/2014.

Though notice is served to the respondent, no counter is filed and the averments made in support of this transfer petition are uncontroverted by the respondent.

Learned counsel for the petitioner also states that the petitioner also filed MC.No.59 of 2014 on the file of the V Additional Judicial First Class Magistrate, Kakinada and that the OP.No.7/2014 filed by the petitioner and OP No.1057/2012 filed by the respondent, should be tried together to avoid conflict of decisions.

In the present case, to avoid conflict of decisions the FC.OP.No.7/2014 filed by the petitioner for restitution of conjugal rights and FC No.1057/2012 filed by the respondent seeking divorce, are to be heard together. Further, any how the respondent has to attend the proceedings in MC.No.59 of 2014 filed by the petitioner for maintenance. In view of the above facts and circumstances the transfer petition is allowed and FC.OP.No.1057/2012 pending on the file of Additional Family Court, Visakhapatnam is transferred to the Court of Senior Civil Judge at Peddaparam to be tried along with FC.OP.No.7/2014. No order as to costs.

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

A.RAJASHEKER REDDY, J

08.12.2015
t k