

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.CIVIL MISCELLANEOUS PETITION No.309 of 2014

ORDER:

This petition is filed under Section 24 of C.P.C., to withdraw O.P.No.106 of 2013 from the file of Senior Civil Judge, Sattenapalli and transfer the same to Senior Civil Judge, Miryalguda.

2. The facts leading to filing of the present petition are briefly as follows: The marriage of the petitioner with the respondent was performed on 30.05.1998 at Miryalguda as per Hindu rites and caste customs. Due to obvious reasons, misunderstanding arose between the parties, the petitioner has been residing in Miryalguda along with her parents. The respondent is a resident of Sattenapalli town. The petitioner lodged a complaint to the Station House Officer, Miryalaguda Police Station II town, Nalgonda, who in-turn registered the case in Crime No.149 of 2012 against the respondent for the offences punishable under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act. The learned Additional Judicial First Class Magistrate, Miryalguda has taken the cognizance of offence against the respondent and others under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act, numbered the same as C.C.No.196 of 2013. The petitioner herein filed DVC No.2 of 2014 against the respondent and others and the same is pending on the file of Principal Judicial First Class Magistrate, Miryalguda. The respondent herein filed H.M.O.P.No.106 of 2013 on the file of Senior Civil Judge, Sattenapalli for dissolution of marriage.

3. Learned counsel for the petitioner submitted that the petitioner is facing much difficulty to attend the Court at Sattenapalli without the assistance of her parents.

4. Learned counsel for the respondent submitted that there is a threat to the life of the respondent, if he visits the Court at Miryalguda.

5 . It is not uncommon to make allegations and counter-allegations in matrimonial cases by the parties to the proceedings. Ultimately, the Court has to take into consideration inconvenience likely to be caused to the wife while attending

the Court. The stand of the respondent that there is a threat to his life is not supported by any material, much less cogent and convincing material. The respondent has to attend the Court at Miryalguda in connection with the proceedings in C.C.No.196 of 2013 and DVC No.2 of 2014.

6. As rightly pointed out by the learned counsel for the petitioner that the petitioner has to face much difficulty to attend the Courts at Sattenapalli.

7. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to withdraw O.P.No.106 of 2013 from the file of Senior Civil Judge, Sattenapalli.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.106 of 2013 is withdrawn from the file of Senior Civil Judge, Sattenapalli and transferred to Senior Civil Judge, Miryalguda. Senior Civil Judge, Miryalguda is hereby directed to dispose of the said O.P.No.106 of 2013, as expeditiously, as possible, preferably, within six (06) months from the date of receipt of a copy of this order. Both parties are directed to cooperate with the trial Court for disposal of the matter as early as possible. No costs.

As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 02.06.2015.

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