

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.111 OF 2013

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ORDER :

This transfer petition is filed to withdraw OS No.2 of 2011 on the file of the Junior Civil Judge, Giddalur and transfer the same to the Court of Junior Civil Judge, Kurnool District.

2. It is the case of the petitioner that her marriage with the respondent was performed on 12.07.2008 at L.Kota as per caste custom. At the time of marriage, the parents of the petitioner presented gold ornaments and cash to the respondent apart from necessary house hold articles. A female child was born out of their wedlock. When the respondent started harassing the petitioner, she filed complaint before the Mahila Police, Kurnool, which was registered under Section 498-A of IPC. She also filed FCOP No.54 of 2010 and DVC No.17 of 2012 for grant of maintenance and the Court below also granted maintenance to her child. Thereafter, the respondent filed OS No.2 of 2011 seeking dissolution of their marriage. That she is unable to go to Giddaluru to attend the Court as there is threat to her life and limb and she is also unable to take her daughter along with her.

3. Heard both sides.

4. Initially, when the petitioner failed to prosecute the petition, this transfer petition was dismissed for non-prosecution on 03.07.2015. Upon petition filed by the petitioner for setting aside the order dated 03.07.2015 along with condone delay petition in Tr. CMP MP No.630 of 2015, after hearing the learned counsel for the petitioner and for the reasons stated in the affidavit filed in support of the petitions, the same is restored to file today by condoning the delay of 22 days in filing the restoration petition.

5. It is stated by the learned counsel for the petitioner that the petitioner is having minor child and appeal is filed against the dismissal of FCOP No.54 of 2010 and same is pending on the file of District Court, Kurnool. The criminal complaint filed by the petitioner is also pending before the Mahila Police,

Kurnool. Moreover, it is difficult for the petitioner to travel all the way to Giddalur from Kurnool along with her daughter.

6. The Hon'ble Supreme Court in ***Sumita Sing v. Kumar Sanjay and another*** held that in transfer of matrimonial proceedings initiated by the husband against wife, it is the convenience of wife that has to be looked at.

In view of the facts and circumstances, the Tr.CMP is allowed and OS No.2 of 2011 on the file of the Junior Civil Judge, Giddalur, is transferred to the Court of Junior Civil Judge, Kurnool District. The presence of the respondent herein may be dispensed with for the present in the said OS. However, it is open for the Court below to call him as and when required. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

18.11.2015

kvs

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Tr.CMP.No.111 OF 2013

Date: 18.11.2015

