

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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TRANSFER C.M.P.NO.147 OF 2015

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ORDER:

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This Transfer C.M.P. is filed by the petitioner-wife for transfer of H.M.O.P.No.17 of 2015 filed by the respondent-husband, which is pending on the file of the Senior Civil Judge, Sattenapalli, Guntur District, to the file of Family Court, L.B.Nagar, Ranga Reddy District.

The case of the petitioner is that her marriage was solemnized with the respondent on 24.04.2014 at Yadagiri Narsimha Swamy Temple, Yadagiri Gutta, Nalgonda District as per Hindu rites and customs and they lived together for a period of one month. Thereafter, the respondent started harassing the petitioner for additional dowry. The petitioner left the house of the respondent and staying with her parents at Kuntluru Village, Hayathnagar Mandal, Ranga Reddy District. She filed a complaint against the respondent and her in-laws, before Saroornagar police station and the same was registered as Cr.No.31/2015 under Section 498-A and Sections 3 & 4 of Dowry Prohibition Act and the same is pending on the file of 14th Metropolitan Magistrate at L.B.Nagar, Cyberabad. It is also the case of the petitioner that prior to their marriage, the respondent already married another lady and due to harassment, she was hospitalized and died. The police registered a case against the respondent and his parents. The said fact was not disclosed by the respondent before their marriage. It is also the case of the petitioner that except her parents, there is no other person to look after her and since there is no male assistance, she is unable to attend the Court of Senior Civil Judge, Sattenapalli, in order to defend her case in H.M.O.P.No.17 of 2015.

In the counter affidavit filed by the respondent, he agreed about the

performance of his marriage with the petitioner. It is also stated that the petitioner filed a complaint against him in Cr.No.31 of 2015 and the same is pending on the file of Metropolitan Magistrate at L.B.Nagar.

It is seen from the record that already criminal proceedings are pending against the respondent before the Metropolitan Magistrate Court, L.B.Nagar, Cyberabad and the respondent is attending the said court. Taking into consideration the fact that there is no male assistance for the petitioner and she is living with her parents at Kuntluru, Ranga Reddy District and also in view of the decision of the Apex Court reported in **SUMITA SINGH VS. KUMAR SANJAY AND ANOTHER** wherein it was held that while transferring matrimonial proceedings initiated by the husband, wife's convenience must be looked at, I am of the opinion that Transfer C.M.P. has to be allowed, transferring H.M.O.P.No.17 of 2015 from the file of the Senior Civil Judge, Sattenapalli, Guntur District, to the Family Court at L.B.Nagar, Ranga Reddy District.

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.02.12.2015

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