

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.162 OF 2014

ORDER:

This transfer petition is filed seeking transfer of OP.No.1282 of 2013, pending on the file of Additional Family Court, City Civil Court, Hyderabad to the Court of Senior Civil Judge, Sompeta, Srikakulam District.

The case of the petitioner is that her marriage with the respondent was performed at Kalyana Parameshwari Vysya Sangh Kalyana Mandapam, Kasibugga, Srikakulam District and that immediately after marriage the petitioner joined the respondent at his residence at Rotary Nagar, Kasibugga and the marriage was consummated. It is also stated that after the marriage since the respondent and his family members started harassing the petitioner for additional dowry, the petitioner filed a police complaint before Mandasa Police Station on 18.07.2012 and thereafter on 31.07.2012 the respondent agreed to take the petitioner back within two days but he did not come and take the petitioner. Later the respondent filed OP.No.49/2012 for restitution of conjugal rights and that after receiving notice in the said OP the petitioner filed counter stating that she is willing to join the respondent unconditionally provided the respondent looks after the petitioner with love and respect. After seeing the counter the respondent agreed to take the petitioner back and filed a memo to that effect and accordingly the said OP is closed. Later, the respondent brought the petitioner to Hyderabad and again started harassing the petitioner continuously for additional dowry and ultimately necked out the petitioner on 30.08.2013. Having no other option, the petitioner is staying with her parents at Haripuram,

Srikakulam District. Meanwhile, the respondent again filed OP.No.1282/2013 before the Additional Family Court Judge, Hyderabad, seeking divorce. After receipt of notice in the aforesaid OP, the petitioner filed the present transfer petition stating that she has no source of income; that she is totally dependent on her parents for day-to-day necessities and that it is very difficult for her to attend the Court at Hyderabad, which is 800 K.Ms away from her place, on every date of hearing; that she has to travel 1600 k.ms for every adjournment and has to incur expenditure for boarding and lodging and that it involves both physical and financial burden, and as such, the petitioner sought transfer of OP.No.1282/2013 from the Court of Additional Family Court, City Civil Court at Hyderabad to the Court of Senior Civil Judge, Sompeta, Srikakulam District.

The respondent filed counter stating that the petitioner's behaviour is not good; that she is unable to stay with him and his parents; that she did not shown any interest to join marital life with the respondent and that the father of the petitioner sold away one gold necklace weighing about 2 ½ tulas, belonging to the petitioner. It is also stated that the petitioner gave false complaint against the respondent on 16.07.2012 and also on 10.02.2013 and that though counselling was conducted, petitioner refused to join with the respondent. It is also stated that the petitioner always threatened the respondent and used to abuse in filthy language. It is further stated that the respondent is working in a private organization and if the aforesaid OP is transferred, he suffers irrecoverable loss and there is threat to his life with petitioner's father and her relatives and finally sought for dismissal of Transfer CMP.

Heard learned counsel for the petitioner and respondent.

Since it is stated that the petitioner is living with her parents and unable to travel all the way to Hyderabad which is 800 K.Ms away from Sompeta and that it is also stated that the respondent's native place is Kasibugga and the petitioner also states that there is no male assistance for her to travel all the way from Kasibugga to Hyderabad, the transfer CMP is liable to be allowed. Though the respondent expressed danger to his life, no complaint is made against the petitioner.

In view of the above facts and circumstances, I am of the opinion that OP.No.1282/2013, pending on the file of the Additional Family Court, City Civil Court, Hyderabad is liable to be transferred to the Family Court, Srikakulam, and both the counsel also agreed for the same.

Accordingly the transfer CMP is allowed and OP.No.1282 of 2013, pending on the file of Additional Family Court, City Civil Court, Hyderabad is transferred to the Family Court, Srikakulam. However, the presence of the respondent is dispensed with on each and every date of hearing, except on the dates of conciliation, cross-examination or any other dates the Court below feels necessary. No order as to costs.

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

A.RAJASHEKER REDDY, J

17.12.2015

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