

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.687 of 2014

ORDER :

This petition is filed to withdraw O.P.No.123 of 2014 from the file of Family Court, Rajahmundry, East Godavari District, and transfer the same to Family Court, Vijaywada.

2. Petitioner-wife filed this petition and according to her affidavit, her marriage with respondent-husband was performed on 17.05.2013 at Rajahmundry and that she was driven out from marital home and now staying at her parents' house in Vijaywada and she lodged a complaint with Bhavanipuram Police Station and the same is registered as Crime No.451 of 2014 and investigation is pending. She further contended that she filed D.V.C. and the same is pending before I Additional Chief Metropolitan Magistrate, Vijaywada. She contended that husband filed O.P.No.123 of 2014 with false and concocted allegations to get over the criminal case filed by her. She further contended that she is taking training in Medical Coding at Vijaywada and it is difficult for her to travel from Vijaywada to Rajahmundry and she has to spend lot of money for her travel and she has no male assistance to undertake journey, for these reasons, she prayed for transfer of O.P.No.123 of 2014 from Rajahmundry to Vijaywada.

3. Respondent-husband opposed the petition and filed counter-affidavit disputing the affidavit averments of

petitioner. He contended that O.P. is filed earlier to the criminal case filed against him, therefore, the contention that O.P. filed to overcome the criminal case is incorrect and not tenable. It is also contended that Rajahmundry and Vijaywada are well connected by buses and trains and as the marriage took place at Rajahmundry and both resided lastly at Rajahmundry, the Court at Rajahmundry has got jurisdiction and for that reason, O.P. was filed at Rajahmundry and that present transfer C.M.P. is filed only to harass him and that there are no bonafides in the petition and the same is liable to be dismissed.

4. Both side advocates submitted their arguments in support of contentions of their respective clients.

5. The main ground on which wife sought for transfer is that O.P.No.123 of 2014 is filed to overcome the criminal case filed by her. But as seen from the material, O.P. is filed first and the D.V.C. and criminal complaint are subsequent to filing of O.P. One of the contentions of wife is that she is taking training at Medical Coding for that reason it is difficult for her to attend Rajahmundry Court. As rightly pointed out by advocate for respondent, the distance between Rajahmundry and Vijaywada is only 150 KMs. And both the places are well connected by buses and trains and one can reach Rajahmundry from Vijaywada in three hours. Admittedly, no cases are pending before Family Court, Vijaywada and D.V.C. and criminal cases are pending before Chief Metropolitan Magistrate Court.

Considering the contentions and rival contentions of both parties,

I feel that this petition can be disposed of directing the Family Court, Rajahmundry to dispose of O.P.No.123 of 2014 within a stipulated time by dispensing with the presence of petitioner herein for each and every adjournment.

6. Accordingly, transfer C.M.P. is dismissed directing the Family Court, Rajahmundry, to dispose of O.P.No.123 of 2014 within eight months from the date of receipt or records by dispensing with the presence of petitioner herein for each and every adjournment. However, she shall appear as and when her physical presence is necessary for any specific purpose.

7. Miscellaneous Petitions, if any, shall stand closed.

S. RAVI KUMAR, J

23rd February 2015.

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