

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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TRANSFER C.M.P.NO.706 OF 2015

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ORDER:

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This transfer petition is filed by the petitioner/wife against the respondent-husband for transfer of O.P.No.211 of 2015 instituted by the husband for grant of divorce, which is pending on the file of the Judge, Family Court (III Additional District Judge) Warangal District, for transfer of the same to any other family Court at Ranga Reddy District.

The case of the petitioner is that her marriage with the respondent was performed on 28.05.2011 at Sri Venkateshwara Kalyana Mandapam, B.H.E.L. Township, Ramachandrapuram, Hyderabad as per Hindu rites and customs. They lived happily for some time and thereafter the respondent started harassing the petitioner for additional dowry. As such the petitioner filed a complaint in Crime No.540 of 2014 for the offences punishable under Sections 498-A, 323, 504 and 506 I.P.C., & Sections 3 & 4 of Dowry Prohibition Act and the same is pending on the file of Chandanagar Police Station, Ranga Reddy District. The petitioner also filed D.V.C.No.11 of 2015 on the file of XIX Metropolitan Magistrate at Kukatpally and it is coming up for trial and the same is also ripe for trial. The respondent instituted the said O.P. for divorce.

It is stated by the petitioner that there is threat to her life and she is unable to attend the court at Warangal, which is at a distance of 200 kms., from Hyderabad.

Though notice is served, there is no appearance and no counter affidavit is filed by the respondent.

The facts, which are made in support of the transfer O.P. are that the

petitioner is residing at Hyderabad and instituted cases at Ranga Reddy District. The respondent has to attend the cases at Kukatpally. As she has no male assistance, the petitioner cannot travel all the way from Hyderabad to Warangal. The Apex Court in SUMITA SINGH VS. KUMAR SANJAY AND ANOTHER held that while transferring matrimonial proceedings initiated by the husband, the convenience of wife must be looked at.

In view of above circumstances, O.P.No.211 of 2015 pending on the file of the Judge, Family Court, Warangal is transferred to the file of the Judge, Family Court at Ranga Reddy District at L.B.Nagar.

Accordingly, the Transfer C.M.P. is allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dt.16.12.2015
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THE HON’BLE SRI JUSTICE A.RAJASHEKER REDDY

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