

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFER CIVIL MISCELLANEOUS PETITION No.665 of 2015

ORDER:

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This Transfer Civil Miscellaneous Petition, under Section 24 of the Code of Civil Procedure, 1908, is filed by the petitioner/wife against the respondent/husband to transfer O.P.No.1207 of 2015 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar to the file of the Judge, Family Court, Guntur, Guntur District.

2. Case of the petitioner is that her marriage was performed with the respondent on 20.11.2011 at Rail Mahal Kalyanamandapam, Guntur as per Hindu rites and customs. Later, the respondent started harassing her for dowry and filed O.P.No.1207 of 2015 before the Judge, Family Court, Ranga Reddy District for dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act, 1955. The petitioner is residing with her parents in Guntur, which is more than 280 kms. away from Hyderabad, and she has no means to travel such a distance. She has no shelter to stay at Hyderabad. Her parents are suffering from old age ailments and she is not in a position to travel alone without any assistance to go to Hyderabad to defend the divorce O.P. Hence, she filed the present petition.

3. Heard learned counsel for the petitioner.

4. Learned counsel for the respondent opposes the transfer.

5. It is to be seen that the petitioner has stated that she is staying with her parents, who are suffering from old age ailments, and she is unable to travel 280 kms. from Guntur to Hyderabad. The Apex Court, in ***Sumita Sing Vs. Kumar Sanjay and another***^[1], held that in transfer of matrimonial proceedings initiated by the husband against the wife, it is the convenience of the wife that has to be looked at. In view of the

above, I deem it appropriate to consider the request of the petitioner/wife.

6. Learned counsel for the respondent states that in case this Court comes to the conclusion that transfer is necessary, the case may be transferred to the Court at Vijayawada.

7. Since the respondent has to travel from Hyderabad to attend the Court, either Vijayawada or Guntur may not be of much difference. In view of the same, I am of the view that the O.P. must be transferred to the Family Court at Guntur.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed transferring O.P.No.1207 of 2015 from the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar to the file of the Judge, Family Court, Guntur. However, the Family Court, Guntur may not insist the presence of the respondent on each and every date of adjournment except on the date of conciliation or after cross examination or any other dates which it feels necessary. There shall be no order as to costs.

9. Miscellaneous Petitions pending, if any, in this Transfer Civil Miscellaneous Petition shall stand closed.

JUSTICE A.RAJASHEKER REDDY

Date: 10.12.2015
AMD

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THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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TR.C.M.P.No.665 of 2015

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DATE: 10.12.2015

AMD

[\[1\]](#) AIR 2002 SC 396