

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

TR. C.M.P. No. 566 of 2015

ORDER:

The present Tr. C.M.P. is filed seeking to transfer O.P.No.802 of 2015 from the Family Court, Ranga Reddy District at L. B. Nagar, to the Family Court at Visakhapatnam, to be tried along with O.P.No.1290 of 2015 pending on the file of the Judge, Family court, Visakhapatnam.

The case of the petitioner is that her marriage with the respondent took place on 18.07.2009, and after marriage, they lived happily for some time. Subsequently, disputes arose between them which led to lodging of a report by her with the Narsingi Police Station, Ranga Reddy District, which was registered as Crime No.53 of 2015 for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act and also filing of D.V.C.No.11 of 2015 on the file of the IV Additional Chief Metropolitan Magistrate, Visakhapatnam, and O.P.No.1290 of 2015 on the file of the Judge, Family Court at Visakhapatnam, for restitution of conjugal rights.

While so, the respondent filed O.P.No.802 of 2015 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar for dissolution of marriage with false and frivolous allegations. It is also her case that as she is staying in her parents' house at Visakhapatnam and being a lady, it is very difficult for her to attend the Court at L.B.Nagar for contesting the O.P.No.802 of 2015 filed by the respondent. Hence, the present transfer petition.

The notice sent to the respondent was returned with an endorsement "party left", while the notice sent to the counsel representing the respondent before the lower Court in O.P.No.802 of 2015 was served. However, there is no appearance and no counter opposing the transfer petition is filed on behalf of the respondent.

Heard the learned counsel for the petitioner.

As the petitioner filed O.P.No.1290 of 2015 on the file of the Judge, Family Court at Visakhapatnam, for restitution of conjugal rights and as the distance from L.B.Nagar to Visakhapatnam is about 600 kilometers and in view of the averments made in the affidavit filed in support of the Tr.C.M.P., I am of the opinion that O.P.No.802 of 2015 be withdrawn and transferred from the Family Court, R.R. District at L.B.Nagar to the Family Court at Visakhapatnam to be clubbed and tried along with O.P.No.1290 of 2015.

Accordingly, the Tr.C.M.P. is allowed. There shall be no order as to costs.

Consequently, interim stay granted on 05.10.2015 is vacated and miscellaneous petitions, if any, pending in the Tr.C.M.P. shall stand dismissed.

A. RAJASHEKER REDDY, J.

23rd November, 2015
cbs

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