

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.538 OF 2015

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ORDER :

This transfer petition is filed to withdraw OP No.1030 of 2015 on the file of the Judge, Family Court, L.B.Nagar, Ranga Reddy District and transfer the same to the Family Court, Nellore, SPSR Nellore District.

It is the case of the petitioner that the respondent is her legally wedded husband and their marriage was solemnized on 11.11.2010 at S.S.Kalyana Mandapam, Buchireddypalem, SPSR Nellore District. After the marriage, petitioner and respondent lead happy married life for some time. Thereafter, the respondent and his parents started harassing the petitioner for want of additional dowry. When the respondent mercilessly beat the petitioner to bring additional dowry, she lodged a complaint before the Kushaiguda PS on 15.07.2014 against the respondent and his parents and same was registered as Crime No.533 of 2014 under Section 498-A, 324 of IPC and Sections 3 and 4 of Dowry Prohibition Act. Thereafter, the petitioner went to her parents' house at Nellore and living with them. The respondent anticipating that the petitioner would file maintenance case, as a counter blast, filed OP No.1030 of 2015 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar for divorce. Petitioner states that the distance between Nellore and the Ranga Reddy District is more than 400 Kms and she cannot travel all the way from Nellore to Ranga Reddy District, as she has no source of income. As such, she sought for transfer of the OP No.1030 of 2015 from the Family Court, Ranga Reddy District to the Family Court, SPSR Nellore District.

Though notice is ordered and served on the respondent, the same was returned with an endorsement as 'unclaimed', as such, it is deemed to be served on the respondent. Moreover, no counter affidavit

is filed by the respondent.

Heard learned counsel for the petitioner.

The averments made in the affidavit are not rebutted and there is no opposition from the respondent. The facts referred to above goes to show that the distance from Ranga Reddy District to SPSR Nellore District is more than 400 kms and that petitioner has no source of income to bear the transportation charges to attend and defend her case at Ranga Reddy District. In view of above facts and circumstances referred to above, I am of the opinion that OP No.1030 of 2015, on the file of the Judge, Family Court, L.B.Nagar, Ranga Reddy District is liable to be transferred to the Court of Judge, Family Court, Nellore at SPSR Nellore District.

Accordingly, the Tr.CMP is allowed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

09.12.2015

kvs

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Date:09.12.2015

kvs