

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.107 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw H.M.O.P.No.11 of 2010 from the file of the Senior Civil Judge, Narayanpet, Mahaboobnagar District, and transfer the same to the file of the Senior Civil Judge, Adoni, Kurnool District, for disposal in accordance with law.

2. Heard both counsels and perused the affidavit filed in support of the petition and the counter.

3. The marriage of the petitioner was performed with the respondent on 11.03.2007 at Narayanapet, Mahaboobnagar District, as per Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead happy marital life. They lived together for a short period. The petitioner has been residing at her parents house at Adoni since 2010. A perusal of the record further reveals that the respondent faced trial in C.C.No.554 of 2010. The petitioner also filed M.C.No.37 of 2010 seeking maintenance from the respondent. The petitioner also filed D.V.C.No.6 of 2014 against the respondent. The material available on record clearly reveals that both parties have approached the civil and criminal courts for redressal.

4. The respondent herein filed H.M.O.P.No.11 of 2010 on the file of the Senior Civil Judge, Narayanapet of Mahaboobnagar District for dissolution of marriage between him and the petitioner. At the time of arguments, both the counsels in one voice submitted that H.M.O.P.No.11 of 2010 is coming up for respondent's side further evidence. It is further submitted that the petitioner herein filed R.Ws.2 to 4 chief examination affidavits on 29.12.2014. The respondent filed the main case five years back. The petitioner has not taken any steps

for transfer of H.M.O.P.No.11 of 2010 from the file of the Senior Civil Judge, Narayanpet, Mahaboobnagar District, to the file of the Senior Civil Judge, Adoni, Kurnool District, for the last five years. If really the petitioner has any grievance, she ought to have filed the petition at the earliest point of time, preferably, before filing of the counter. The petitioner having allowed the trial Court to commence the trial filed the present petition at the fag end of the trial. If this type of petitions are allowed, the parties may file transfer petitions even at the time of pronouncement of judgments also. It is needless to say that the Court has to take into consideration the inconvenience likely to be caused to the parties to the proceedings while deciding the petitions of this nature. But that does not mean the parties to the proceedings are entitled to file this type of petitions at any point of time. The petitioner has not assigned reasons much less cogent and valid reasons to allow the petition. Viewed from any angle, the petition is lack of bonafides and is liable to be dismissed.

5. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date:22.06.2015.

Rns