

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.677 of 2014

ORDER:

This petition is filed to withdraw Guardian O.P.No.575 of 2014 from the file of Principal District Judge, Khammam and transfer the same to Principal District Judge, East Godavari, Rajahmundry.

2. Wife filed this petition contending that her marriage was solemnized with respondent on 22.02.2006 at Rajahmundry and that she joined matrimonial life with respondent at Vempadu Village, Bhimavaram Mandal and she gave birth to a male child on 25.07.2007 at Rajahmundry. She contended that after some time respondent-husband shifted his residence to Sathupalli, Khammam District and for about one year he treated well and thereafter he started harassing her as he developed intimacy with one lady at Sathupalli and unable to bear the torture in his hands, she went back to her parents house and admitted her son in a school at Rajahmundry and depending on her parents. She contended that she filed M.C.No.9 of 2014 before Family Court, Rajahmundry and she also filed Domestic Violence Case before VI Additional Judicial First Class Magistrate, Rajahmundry and both the cases are pending in Courts at Rajahmundry. She further stated that she admitted her son in Sri Sai Convent, Rajahmundry and respondent with a view to harass her filed Guardian O.P.No.575 of 2014

before Principal District Judge, Khammam though the said Court has no jurisdiction. She contended that she has to go to Khammam for defending Guardian O.P. and it is difficult for her to travel from Rajahmundry to Khammam. She further stated that she apprehends danger to her life in the hands of respondent and his concubine, for these reasons, she prayed for transfer of Guardian O.P.No.575 of 2014 from Khammam to Rajahmundry.

3. Respondent has not filed any counter disputing the affidavit averments of petitioner.

4. Heard arguments.

5. I have perused the material papers filed along with transfer C.M.P. As seen from the material, petitioner filed M.C.No.9 of 2014 before Family Court, Rajahmundry and according to submissions of advocate for petitioner, respondent herein is attending Rajahmundry Court and contesting the said M.C. case. It is also clear from the record that petitioner filed Domestic Violence Case before VI Additional Judicial First Class Magistrate, Rajahmundry and the same is also pending in that Court. As seen from the certificate issued by Sri Sai Convent, Rajahmundry, the minor child is studying in the said school and he is now in 2nd class. The Guardian O.P. is filed for custody of that child. Considering these aspects and also considering the convenience of wife, I feel that the request of petitioner can be considered.

6. For these reasons, Guardian O.P.No.575 of 2014 is withdrawn from Principal District Judge, Khammam, and transferred to Principal District Judge, East Godavari, Rajahmundry, for disposal in accordance with law.

7. Accordingly, the transfer C.M.P. is ordered. No costs.

8. Miscellaneous Petitions pending, if any, shall stand dismissed.

S. RAVI KUMAR, J

24th March 2015.

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