

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.412 OF 2015

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ORDER:

This transfer petition is filed seeking transfer of OS.No.13 of 2011, pending on the file of Junior Civil Judge, Gazwel, Medak District to the Court of Principal Junior Civil Judge, Janagaon, Warangal district.

The case of the petitioner is that her marriage with the respondent was solemnised on 06.02.2005 at Janagaon, Warangal District and that after the marriage since the respondent started harassing the petitioner, she left her matrimonial home and filed a complaint for the offences under Section 498A and 307 IPC and Sections 3 and 4 of Dowry Prohibition Act, which is numbered as CC.No.374 of 2010 and also filed MC.No.13 of 2011 seeking maintenance and both the aforesaid cases are pending on the file of Judicial First Class Magistrate, Janagaon at Warangal District. Meanwhile, the respondent filed OS.No.13 of 2011 on the file of Principal Junior Civil Judge, Gazwel, Medak District, seeking dissolution of the marriage. The grievance of the petitioner is that she is staying along with her parents at Janagaon and she has no source of income and that it is very difficult for her to attend the Court at Gazwel, on every date of hearing without any male assistance and also apprehend danger to her life as being threatened by the respondent and that it involves both physical and financial burden. As such, the petitioner sought transfer of OS.No.13/2011 from the Court of Junior Civil Judge, Gazwel, Medak District to the Court of Principal Junior Civil Judge, Janagaon, Warangal district.

Though notice is served on the respondent, no counter is filed.

Heard learned counsel for the petitioner.

The facts mentioned in the affidavit filed in support of the Transfer CMP goes to show that the petitioner is unable to travel from Janagaon to Gazwel as she has no source of income and also having three years old daughter. Further the Apex Court in ***Sumita Sing v. Kumar Sanjay and another***^[1] held that in transfer of matrimonial proceedings initiated by the husband against wife, it is the convenience of wife that has to be looked at. Keeping in view the difficulty expressed by the petitioner and the Judgment of Supreme Court and in view of the fact that the cases filed by the petitioner are pending at Janagaon and the respondent is also attending the same, I deem it proper to transfer OS.No.13/2015, pending on the file of Junior Civil Judge, Gazwel, Medak District to the Court of Principal Junior Civil Judge, Janagaon, Warangal district.

Accordingly, the Tr.CMP is allowed and OS.No.13/2011, is withdrawn from the file of Junior Civil Judge, Gazwel, Medak District and transferred to the Court of Principal Junior Civil Judge, Janagaon, Warangal District. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall stand closed.

A.RAJASHEKER REDDY, J

16.12.2015
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[\[1\]](#) AIR 2002 SUPREME COURT 396