

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.C.M.P. No.608 of 2015

ORDER:

This petition is filed seeking transfer of O.P. No.911 of 2015 from the file of the Additional Family Judge, Visakhapatnam to the file of the Principal Senior Civil Judge, Kakinada, East Godavari District.

2. The case of the petitioner-wife is that her marriage with the respondent was solemnized on 16.03.2011 at Visnalayam, Jagannaickpur, Kakinada, as per caste customs and Hindu religious rituals, and at the time of marriage, her parents gave Rs.2,00,000/- towards dowry to the respondent-husband apart from presenting ten sovereigns of gold ornaments, Rs.25,000/- towards Adapadachu katnam and Rs.50,000/- towards Sari-Saman, besides bearing entire marriage expenses. The petitioner joined the matrimonial home at Visakhapatnam with a hope to lead happy marital life and lived happily for few days only. But the respondent-husband started harassing the petitioner-wife for getting additional dowry and when the petitioner was suffering from viral fever, the respondent left her at her parents' house at Kakinada and when the respondent is not maintaining the petitioner, the petitioner filed M.C. No.47 of 2014, which is pending on the file of the V Additional Judicial Magistrate of First Class, Kakinada. The respondent-husband also filed counter in that maintenance case and contesting the same. The respondent-husband filed O.P. No.911 of 2015 before the Additional Family Court, Visakhapatnam for grant of divorce, and the petitioner is unable to travel all the way of 180 kms to defend herself in that O.P. It is also stated that the petitioner-wife's father is blind and financially weak and the petitioner has no male assistance.

3. Counter is filed by the respondent-husband opposing the said averments made in the petition affidavit.

4. Heard both sides.

5. Learned counsel for the respondent-husband vehemently states that the respondent is not at fault and due to the action of the petitioner, he has to file a petition for divorce and she is not also mentally ill, and having no other go, divorce petition is filed.

6. Now it is to be seen that M.C. No.47 of 2014 filed by the petitioner-wife is pending on the file of the V Additional Judicial Magistrate of First Class, Kakinada, and thereafter, the respondent-husband filed O.P. No.911 of 2015 on the file of the Additional Family Court, Visakhapatnam. In view of the difficulties expressed by the petitioner-wife and in view of the Apex Court's judgment in ***Sumita Singh vs. Kumar Sanjay***^[1], convenience of the wife has to be looked in transfer petitions in matrimonial proceedings initiated by husband, I am of the opinion that O.P. No.911 of 2015 be withdrawn and transferred from the Additional Family Court, Visakhapatnam to the Court of Principal Senior Civil Judge, Kakinada, East Godavari District. However, learned counsel for the respondent-husband states that the presence of the respondent may be dispensed with on each and every date of adjournment in O.P. No.911 of 2015. In view of the same, the presence of the respondent-husband is dispensed with, but however, the Principal Senior Civil Judge, Kakinada, may call for the presence of the respondent-husband in conciliation proceedings and at the time of cross-examination or as and when required.

7. Accordingly, this Transfer C.M.P. is allowed. There

shall be no order as to costs.

8. As a sequel thereto, interim stay granted by this Court on 08.10.2015 is vacated and miscellaneous petitions, if any pending in this petition, shall stand closed.

A.RAJASHEKER REDDY, J

18.11.2015

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[\[1\]](#) AIR 2002 SC 396