

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.687 of 2015

ORDER:

This petition is filed to withdraw H.M.O.P.No.31 of 2015 from the file of Senior Civil Judge, Nandigama, Krishna District and transfer the same to Family Court, Khammam.

2. Wife filed this petition. According to her affidavit, her marriage was performed with respondent on 20.05.2009 at Chandralapadu village and Mandal, Krishna District and after marriage, they lived happily for about 1 ½ years and thereafter respondent started ill-treating her for additional dowry and respondent also developed illegal intimacy with a staff nurse and due to those reasons, she is living separately. She stated that she filed complaint before Vatsvai Police Station, Krishna District, for an offence under Section 498-A, 324 r/w 34 IPC and Sections 3 and 4 of Dowry Prohibition Act, which is registered as Crime No.140 of 2012 and the same is pending before Judicial First Class Magistrate, Jaggaiahpet as C.C.No.406 of 2013. She stated that she filed H.M.O.P.No.31 of 2015 before Senior Civil Judge, Nandigama for divorce and she filed MC No.7 of 2015 before Family court, Khammam seeking maintenance and also filed DVC No.4 of 2015 before I Additional Judicial First Class Magistrate, Khammam. She further stated that she cannot afford to meet travel expenses to Nandigama for the purpose of defending O.P.No.31 of 2015 and due to financial inconvenience she sought transfer of H.M.O.P.No.31 of 2015 from Senior Civil Judge, Nandigama to Family Court, Khammam.

3. Other side in spite of granting time has not filed any

counter disputing the affidavit averments of petitioner.

4. Heard arguments.

5. Advocate for petitioner submitted that in the affidavit by mistake it is stated that wife filed HMOP No.31 of 2015 at Nandigama Court but that O.P is filed by respondent/ husband seeking restitution of conjugal rights. He further submitted that all the other cases are now pending before Khammam Court i.e., M.C. case, DVC case and criminal case and respondent is anyway attending Khammam Court and no prejudice will be caused to him, if H.M.O.P.No.31 of 2015 is also transferred to Khammam Court. He further submitted that as the allegations and counter-allegations in the Maintenance case and in H.M.O.P.No.31 of 2015 are one and the same to avoid conflicting decisions, HMOP has to be withdrawn from Senior Civil Judge Court, Nandigama and transferred to Family Court, Khammam.

6. Considering the submissions of advocate for petitioner and also considering the convenience of wife, H.M.O.P.No.31 of 2015 is withdrawn from the file of Senior Civil Judge, Nandigama, Krishna District and transferred to Family Court, Khammam for disposal in accordance with law.

7. Accordingly, the Transfer Miscellaneous Petition is ordered. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 22-02-2016

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