

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.593 of 2015

ORDER:

This petition is filed to withdraw FCOP No.1171 of 2015 from the file of Additional Family Court, Visakhapatnam and transfer the same to Family Court, Guntur for disposal in accordance with law.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 07.10.2011 at Sri Venkateswara Temple, Seethanagaram, Guntur District, as per Hindu rites and caste customs and after marriage, they both lived together at Seethanagaram, Guntur District and six months after marriage, respondent left her at her parents house and thereafter petitioner was not allowed to join the matrimonial home and she was harassed for additional dowry. She stated that she lodged a complaint with Station House Officer, Tadepalli Police Station, which is registered as Crime No.482 of 2014 for the offence punishable under Section 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act and also filed DVC No.1 of 2015 before Additional Junior Civil Judge, Mangalagiri and both the cases are pending. She further stated that respondent filed FCOP No.1171 of 2015 before Family Court, Visakhapatnam under Section 13(1) of Hindu Marriage Act for dissolution of marriage and she is contesting the same. She contended that she is native of Guntur District and the Family Court, Visakhapatnam is about 400 KMs from her place of residence and she being a woman it is difficult for her to take journey for such a long distance and that she has no male member in the family to accompany her. She further stated that taking distance between her place of residence and Visakhapatnam,

financial burden and also her convenience into consideration, FCOP No.1171 of 2015 may be withdrawn from Additional Family court, Visakhapatnam and transferred to Family Court, Guntur.

3. Heard both sides.

4. Both side advocates submitted their arguments supporting the respective contentions of their clients. As seen from the record, two cases are pending at Guntur one is criminal case i.e., 498-A case and other is DVC. Admittedly, respondent herein is attending for those two cases at Guntur and O.P. filed by respondent herein is before Additional Family Court, Visakhapatnam and there are no other cases at Visakhapatnam.

5. Considering the contentions and rival contentions of both parties and taking the convenience of wife into consideration, I am of the view that FCOP pending on the file of Family Court, Visakhapatnam can be withdrawn and transferred to Family Court, Guntur.

6. For these reasons, FCOP No.1171 of 2015 is withdrawn from the file of Family Court, Visakhapatnam and transferred to Family Court, Guntur for disposal in accordance with law.

7. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs. Miscellaneous Petitions, if any pending, in this petition, shall stand closed.

S. RAVI KUMAR, J

Date: 22-02-2016

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