

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.219 of 2016

ORDER:

This petition is filed to withdraw O.P.No.978 of 2016 from the file of IV-Additional District and Sessions Judge, Vijayawada, Krishna District and transfer the same to Family Court, Secunderabad, to be tried along with O.P.No.132 of 2016.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 04.05.2014 at Infant Jesus Cathedral Church, Phirangipuram, Guntur District, and after marriage she joined respondent at Hyderabad and after some time respondent started harassing her and pressurized her parents to meet his unlawful demands. She stated that in December, 2015, respondent took her to her parents house on the pretext of Christmas festival and left her at Bangalore warning to come back only with demanded amount. She stated that she was constrained to file O.P.No.132 of 2016 for restitution of conjugal rights and the same is pending and she also lodged a complaint before police, which is registered as F.I.R.No.242 of 2015. She stated that subsequent thereto respondent filed O.P.No.978 of 2016 for divorce before Family Court, Vijayawada in order to harass her. She stated that it is difficult for her to pursue the matter at Vijayawada as the O.P. filed by her is pending at Secunderabad, it is just and necessary to transfer O.P.No.978 of 2016 from IV-Additional District Court, Vijayawada to Family Court, Secunderabad, for disposal in accordance with law. For these reasons,

she prayed for transfer of O.P.No.978 of 2016 from Vijayawada to Secunderabad.

3. Respondent filed counter disputing all the affidavit averments of petitioner and contended that as petitioner is residing with her parents at Bangalore, there may not be any difficult for her to travel from Bangalore to Vijayawada and as petitioner has already engaged an advocate at Vijayawada, she can prosecute the O.P.No.978 of 2016 at Vijayawada and there are no valid grounds to transfer.

4. Heard both sides.

5. Advocate for petitioner submitted that respondent is working at Hyderabad as a lecturer in a college at Begumpet and in fact he received the notice in this transfer petition at the same address and filed document down loaded from internet in support of contention of petitioner and respondent has not disputed the same, therefore, there cannot be any objection for respondent for transfer of O.P.No.978 of 2016 from Vijayawada to Secunderabad.

6. Advocate for respondent submitted that distance between Bangalore-Vijayawada and Bangalore-Secunderabad is one and the same, therefore, no prejudice would be caused to petitioner if O.P.No.978 of 2016 is continued at Vijayawada.

7. I have perused the material papers including the counter affidavit.

8. Considering the submissions of both sides and considering the convenience of wife, as O.P.No.132 of 2016 filed by wife is earlier in

point of time pending before Secunderabad Court, I deem it appropriate that O.P.No.978 of 2016 can be transferred from IV-Additional District and Sessions Judge, Vijayawada, Krishna District and to Family Court, Secunderabad.

9. For these reasons, O.P.No.978 of 2016 is withdrawn from IV-Additional District and Sessions Judge, Vijayawada, Krishna District, and transferred to Family Court, Secunderabad

10. Transfer C.M.P. is ordered accordingly.

11. Miscellaneous petitions pending, if any, shall stand closed.

7th September 2016.

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S. RAVI KUMAR, J

