

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.103 of 2016

ORDER:

This petition is filed to withdraw O.S.No.6 of 2015 from the file of Agency Divisional Officer i.e., Revenue Divisional Officer, Kothagudem and transfer the same to Senior Civil Judge, Kovvuru or any other Court in West Godavari District.

2. Petitioner herein is wife and according to her affidavit, her marriage with respondent was performed on 16.12.2011 at Kothagudem and differences arose between herself and respondent and efforts of the elders proved futile. She stated that respondent filed O.S.No.6 of 2016 for dissolution of marriage invoking the jurisdiction of Agency Court. She further stated that she filed a private complaint before Judicial First Class Magistrate, Jangareddygudem, and also filed D.V.C. case and maintenance case before the same Court and respondent is attending maintenance case and it is coming for filing counter. She stated that there is a threat for her life in the hands of respondent and his family members at Kothagudem and she being a lady without any support it is difficult for her to appear before Kothagudem Court, which is far away from her native place and as the trial Court is insisting for her presence, she prayed for transfer of proceedings from Agency Court to regular Civil Court i.e., Senior Civil Judge, Kovvuru.

3. Respondent in spite of service of notice neither

appeared in person nor through any advocate.

4. Heard arguments.

5. Advocate for petitioner submitted that respondent wrongly invoked the jurisdiction of Agency Court and in the petition itself it is specifically pleaded that both parties are non-tribes and only because cause of action arose in the agency area, petition was filed in that Court. He submitted that the very petition filed before the Agency Court is not maintainable because both are non-tribals and the family matters are dealt by Senior Civil Judge, Kovvur, relating to this area and therefore, this matter has to be transferred to Senior Civil Judge, Kovvuru. He further submitted that the other cases filed by wife are in the regular Court i.e., Judicial First Class Magistrate, Jangareddygudem.

6. Considering the submissions of advocate for petitioner and also considering the affidavit averments filed in support of petition, I am of the view that request of wife is reasonable, therefore, O.S.No.6 of 2015 is withdrawn from Agency Divisional Officer-cum-Revenue Divisional Officer, Kothagudem, and transferred to Senior Civil Judge, Kovvur, for disposal in accordance with law.

7. Accordingly, the transfer C.M.P. is ordered.

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

S. RAVI KUMAR, J

18th March 2016.

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