

**THE HON'BLE SRI JUSTICE S. RAVI KUMAR**

**TRANSFER C.M.P.No.97 of 2016**

**ORDER:**

This application is filed to withdraw Guardian O.P.No.387 of 2015 from the file of Principal District Judge, Srikakulam, and transfer the same to Additional Family Court, Visakhapatnam.

2. Wife filed this application. According to her affidavit, her marriage with respondent was performed on 31.05.2002 at Lalitha Kalyana Mandapam, Amudalavalasa, Srikakulam, as per hindu rites and caste custom. She stated that she joined respondent and she was looked after well for some time and during their wedlock, they are blessed with two children, one child is aged about 13 years and other is aged about 10 years and both of them are in her custody. She stated that she was necked out from matrimonial house along with children in the year 2013 and since then, she is staying with her parents. She stated that different proceedings were initiated by her and she filed criminal case and maintenance case and all of them are pending in Courts at Visakhapatnam. She stated that it is difficult for her to travel from Visakhapatnam to Srikakulam, as she has no male assistance to escort her. She further stated that respondent is attending Additional Family Court, Visakhapatnam in connection of F.C.O.P.No.697 of 2013. For these reasons, she prayed for transfer of Guardian O.P.No.387 of 2015 from the file of Principal District Judge, Srikakulam, to Additional Family Court, Visakhapatnam.

3. This Court permitted petitioner to take out personal notice on respondent through Registered Post with Acknowledgement Due and in compliance of said order, advocate for petitioner filed a memo dated 15.03.2016 stating that notice sent to respondent is duly served on him and filed postal acknowledgement along with memo. In spite of service of notice, respondent neither appeared in person nor through any

advocate.

4. Heard arguments of advocate for petitioner.

5. Advocate for petitioner submitted that on earlier occasion, on a petition filed by wife, this Court has withdrawn M.O.P.No.97 of 2015 from the file of Additional Senior Civil Judge, Srikakulam, and transferred the same to Additional Family Court, Visakhapatnam, as per orders in Transfer CMP No.101 of 2016 dated 21.03.2016. He further submitted that all the cases are pending at Visakhapatnam and no prejudice would be caused to respondent if this case is also transferred to Visakhapatnam.

6. Considering the submissions of advocate for petitioner and considering the reasons stated in the affidavit filed in support of this petition and also considering the convenience of wife and children, Guardian O.P.No.387 of 2015 is withdrawn from the file of Principal District Judge, Srikakulam, and transferred to Additional Family Court, Visakhapatnam, for disposal in accordance with law.

7. The petition is ordered accordingly. No costs. Miscellaneous petitions, if any, pending in this petition, shall stand dismissed.

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**S. RAVI KUMAR, J**

29<sup>th</sup> August, 2016.

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