

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFAER C.M.P.NO.5 OF 2016

ORDER:

This Transfer C.M.P. is filed by the petitioner-wife against the respondent-husband for transfer of O.P.No.817 of 2015 instituted by the respondent for dissolution of marriage, pending on the file of Family Court, Vijayawada, to the file of X Additional District Judge at Gurazala, Guntur District.

The case of the petitioner is that her marriage with the respondent was performed on 16.03.2014 at Tirumala Tirupati Devasthanam in the presence of parents and relatives and they lived happily for a period of one week. Thereafter, the respondent started demanding the petitioner for additional dowry and harassed her and left the petitioner at her parents' house at Piduguralla. As such, she was constrained to file D.V.C.No.4 of 2014 on the file of Junior Civil Judge, Piduguralla, which is nearer to Gurazala, Guntur District. In the meanwhile, the respondent filed O.P.No.817 of 2015 on the file of the Judge, Family Court, Vijayawada, seeking to dissolve the marriage.

Though notice is sent and the same was received by the

respondent, no counter affidavit is filed and there is no appearance for the respondent.

It has to be seen that D.V.C.No.4 of 2014 filed by the petitioner is pending before the Junior Civil Judge, Piduguralla, Guntur District. She being a lady and as she is unable to maintain herself, she cannot travel all the way from Gurazala, Guntur District to Vijayawada, Krishna District and in view of the decision of the Apex Court in **SUMITA SINGH VS. KUMAR SANJAY AND ANOTHER**^[1] wherein it was held that while transferring matrimonial proceedings initiated by the husband, the convenience of wife must be looked at.

In view of above facts and circumstances of the case, O.P.No.817 of 2015 pending on the file of Judge, Family Court, Vijayawada, Krishna District is transferred to the X Additional District Court at Gurazala, Guntur District.

The Transfer C.M.P. is accordingly allowed.
Miscellaneous petitions pending, if any, shall stand closed.

A.RAJASHEKER REDDY, J

Dt.25.01.2016

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[\[1\]](#)) AIR 2002 sc 396

