

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.315 of 2016

ORDER:

This application is filed to withdraw F.C.O.P.No.2 of 2016 from the file of Family Court, Vizianagaram, and transfer the same to any competent Court at Kakinada, East Godavari District.

2. Wife filed this application. According to her affidavit, her marriage with respondent was solemnized on 07.05.2015 at Dwarampudi Bhaskar Reddy Padmavathi Kalyana Mandapam, Kakinada as per Hindu rites and caste custom and that she was necked out from matrimonial house on 24.12.2015 and she came back to her parents house and staying there. She stated that she is living on mercy of her parents and respondent, without paying any maintenance to her, filed O.P. under Section 12(2)(a)(ii) of Hindu Marriage Act, 1955, to declare the marriage as voidable and that she filed a complaint before Women Police Station, Kakinada, against her husband and in-laws for the offences punishable under Sections 498-A read with 34 IPC and Sections 3 and 4 of Dowry Prohibition Act for which, respondent filed a quash petition. She further stated that she has no source of income to meet travel expenses to Vizianagaram to defend O.P. filed by her husband and that father of respondent is working in police department at Visakhapatnam and that distance between Kakinada and Vizianagaram is around 200 kilometres and that it is difficult for her to travel from Kakinada to Vizianagaram for each and every adjournment. For these reasons, she prayed for transfer of F.C.O.P.No.2 of 2016 from the Family Court, Vizianagaram, to any competent Court at Kakinada, East Godavari District.

3. Respondent filed counter disputing the affidavit averments of petitioner and contended that petitioner is a highly qualified woman and doing job and he is facing threat from her father at Kakinada and

prayed for dismissal of Transfer Petition.

4. Heard both sides.

5. Considering the reasons stated in the affidavit filed in support of this petition, counter affidavit of respondent and contentions and rival contentions of both parties, I deem it appropriate, instead of transferring O.P. to Court of Senior Civil Judge, Kakinada, East Godavari District, the same can be transferred to Family Court, East Godavari District at Rajahmundry.

6. Accordingly, F.C.O.P.No.2 of 2012 is withdrawn from the file of Family Court, Viziangaram and transferred to Family Court, East Godavari District at Rajahmundry, for disposal in accordance with law.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.

S. RAVI KUMAR, J

17th August, 2016.

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