

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.788 of 2015

ORDER:

This petition is filed to withdraw O.P.No.51 of 2015 from the file of Senior Civil Judge, Peddapuram, East Godavari District and transfer the same to Senior Civil Judge, Bodhan, Nizamabad District.

2. Wife filed this application. According to her affidavit, her marriage with respondent was solemnized on 11.12.2013 at Cheviti Venkateswarlu Lakshmi Garla Sri Kusuma Haranadha Kalyana Mandir (Marriage Hall) at Vijayawada, Krishna District as per Hindu Rites and Customs. She stated due to differences and as she apprehended danger to her life in the hands of her husband and in-laws, she lodged a complaint before Bodhan Police and the same is registered as Crime No.258 of 2015 for the offence under Section 498-A IPC and Section 4 of Dowry Prohibition Act on 01.08.2015 and subsequently she filed maintenance case before the Judicial Magistrate of First Class, Bodhan in M.C.No.34 of 2015 and the same is pending. She stated that she also filed D.V.C.No.19 of 2015 on the file of Judicial Magistrate of First Class, Bodhan for several reliefs under Section 12 of the Protection of Women from Domestic Violence Act, 2005. She stated that the respondent anticipating action from her, filed O.P.No.51 of 2015 on the file of Senior Civil Judge, Peddapuram, East Godavari District for restitution of conjugal rights and the same is filed only with a view to harass her and her family members. She stated that the distance between Bodhan and Peddapuram is about 643 kms and that her parents are aged and suffering from several ailments and that they cannot accompany

her to attend Court at Peddapuram for the purpose of defending O.P.No.51 of 2015. She further stated that it is difficult for her to go to Peddapuram alone and as the maintenance case and D.V.C cases are pending at Bodhan as respondent is any how attending the said cases, she prayed for transfer of O.P. from Peddapuram Court to Bodhan Court.

3. Respondent in spite of taking time for filing counter did not file any counter disputing the affidavit averments of the petitioner.

4. Heard arguments.

5. Considering the reasons stated in the affidavit and also considering the fact that cases filed by wife i.e. MC and DVC are pending at Bodhan and respondent is attending to those two cases, no prejudice will be caused if OP is also transferred to Bodhan. For these reasons and also taking convenience of the wife in to consideration, O.P.No.51 of 2015 is withdrawn from the file of Senior Civil Judge, Peddapuram, East Godavari District and transferred to Senior Civil Judge, Bodhan, Nizamabad District for disposal in accordance with law.

6. Accordingly, the Transfer Miscellaneous Petition is ordered. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

S. RAVI KUMAR, J

Date: 02-03-2016

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DATED: 02.03.2016

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