

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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Tr.C.M.P.No.754 of 2015

ORDER:

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This petition is filed by the petitioner/wife to withdraw F.C.O.P.No.657 of 2015 from the file of Family Court, City Civil Courts, Secunderabad and transfer the same to the Family Court, Vijayawada, Krishna District.

The case of the petitioner is that the marriage of the petitioner was performed with the respondent on 12-02-2011 at Vijayawada as per Hindu customs and rites and they lived together at Secunderabad. Out of their wedlock, a baby girl was born. Due to the disputes between them, her husband filed the said F.C.O.P. for dissolution of marriage. The petitioner filed the present petition stating that it is difficult for her to travel all the way from Vijayawada to Secunderabad, as she is staying with her father at Vijayawada and that she has to look after her two years old child. Hence, the present Transfer CMP is filed.

Counter-affidavit is filed by the respondent denying the averments made in the petition; that the father of the petitioner is a money lender and not an agriculturist; that the petitioner went to Newzealand and completed diploma in Arthropenership from NMIM; that she is having relative at Hyderabad i.e., brother of the petitioner's father; that the petitioner's mother is looking after the child; that her brother is working in USA; that the respondent resigned his job and looking after his parents; that the petitioner has not joined his company through mediations also, as such the respondent filed F.C.O.P. to dissolve the marriage between them.

Heard both sides.

The learned counsel for the respondent submits that the petitioner is not staying in Vijayawada but in Newzealand; that her

father was attending the Court's proceedings and that she never attend reconciliation proceedings deliberately.

It is an admitted fact that a child was born and now she is three years old staying with the petitioner. Though the allegation is made that the petitioner is staying in Newzealand, the same is not substantiated except stating that she went to Newzealand for studies in November, 2014. The petitioner also stated that she has no male assistance and it is also difficult for her to travel all the way from Vijayawada to Secunderabad. The Apex Court in **Sumita Singh v.**

Kumar Sanjay^[1] held that while considering the transfer of matrimonial proceedings initiated by the husband, the Court has to look after the convenience of the wife.

In view of the facts and circumstances stated above, F.C.O.P.No.657 of 2015 is withdrawn from the file of Family Court, City Civil Courts, Secunderabad and transferred the same to the Family Court, Vijayawada, Krishna District.

Since the respondent says that he has ailing parents, the presence of the respondent is dispensed with on each and every adjournment except on the dates of his cross-examination and conciliation.

Accordingly, Transfer CMP is allowed.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

Date: 10-02-2016
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^[1] AIR 2002 SC 396