

**HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY**

**Tr.CMP.No.719 of 2015**

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**ORDER:**

This Transfer CMP is filed to withdraw HMOP.No.102/2015 pending on the file of Additional Senior Civil Judge, Srikakulam and transfer the same to the Family Court at Eluru.

The case of the petitioner is that her marriage with the respondent was performed on 11.03.2012 as per Hindu rites and Customs at Sri Satya Kalyanamandapam at Srikakulam; and that after the marriage the respondent started harassing the petitioner. As such, the petitioner lodged a complaint before the Women Police Station, Eluru on 12.10.2012 against the respondent and in turn a crime No.82/2012 has been registered against the respondent and his mother. As the respondent is not maintaining the petitioner, she filed MC.No.11/2013 on the file of Magistrate Court at Eluru. The petitioner also filed DVC No.23/2013 on the file of

II Additional Munsif Magistrate at Eluru which was subsequently renumbered as DVC No.31/2013 on the file of Spl.Mobile Magistrate Court at Eluru. It is further stated that on the complaint made by the petitioner before the Women Police Station, Eluru on 12.10.2012, a charge sheet has been filed and the same is registered as CC.No.112/2014 and CC.No.111/2014 against the respondent and the his mother, respectively, and the Court below acquitted the respondent and his mother against which Crl.A.No.338/2015 and 339/2015 have been filed before the II Additional Sessions Judge, West Godavari and the same are pending. It is also stated that the respondent is also attending the aforesaid cases at Eluru. The case of the petitioner is that she is

staying along with her parents; that she has no source of income and that it is very difficult for her to travel nearly 550 k.ms., alone from her place to Srikakulam as it involves both physical and financial burden; and that in view of the health condition and age of her father, she cannot insist him to accompany her for attending the Court. As such she filed the present transfer petition.

Though notice is ordered and served, no counter is filed and the averments referred to above which were made in support of this transfer petition go uncontroverted.

Heard learned counsel for the petitioner.

The facts narrated above disclose that the cases filed by the petitioner in MC.No.11/2013, DVC No.31/2013 and also criminal proceedings are pending at Eluru and the respondent is also attending the same. In view same and in view of the difficulty expressed by the petitioner to attend the Court at Srikakulam and further in view of the Judgment rendered by the Apex Court in ***Sumita Sing v. Kumar Sanjay and another***<sup>[1]</sup> wherein it is held that in transfer of matrimonial proceedings initiated by the husband against wife, it is the convenience of wife that has to be looked at, I feel it appropriate to transfer OP.No.102/2015 filed by the respondent at a later point of time from the file of Additional Senior Civil Judge, Srikakulam to the Family Court, Eluru.

Accordingly, the Transfer CMP is allowed and the OP.No.102/2015 pending on the file of Additional Senior Civil Judge, Srikakulam is transferred to the Family Court, Eluru. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the transfer petition, shall stand closed.

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**A.RAJASHEKER REDDY, J**

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[\[1\]](#) AIR 2002 SUPREME COURT 396