

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.355 of 2016

ORDER:

This petition is filed to withdraw O.P.No.103 of 2012 from the file of Senior Civil Judge, Proddatur, Kadapa District, and transfer the same to Senior Civil Judge, Kurnool.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 05.09.2002 at Srisailam Devasthanam and during their wedlock one son and one daughter were born and son is now aged 12 years and daughter is no more. She stated that she filed F.C.O.P.No.21 of 2008 before Family Court, Kurnool and D.V.C.No.19 of 2012 before Special Judicial Magistrate of First Class for Prohibition and Excise, Kurnool and respondent intentionally filed O.P. before Senior Civil Judge, Proddatur. She stated that she is a poor lady and she cannot bear the travelling expenses from Kurnool to Proddatur to defend the case. For these reasons, she prayed for transfer of O.P.No.103 of 2012 from Proddatur to Kurnool.

3. Petitioner was permitted to take personal notice to respondent through registered post. Advocate for petitioner filed memo stating that notice was sent to respondent through registered post, but the same is returned with an endorsement 'addressee refused' and

returned cover is filed along with memo. As the respondent refused to receive notice, service is held as sufficient.

4. Heard arguments.

5. Admittedly, F.C.O.P.No.21 of 2008 filed by wife is pending before Family Court, Kurnool, therefore, instead of sending the case to Senior Civil Judge, Kurnool, it would be appropriate to send O.P.No.103 of 2012 to Family Court, Kurnool, where the other matter is pending.

6. Considering the reasons stated in the affidavit and also considering the convenience of wife, O.P.No.103 of 2012 is withdrawn from Senior Civil Judge, Proaddatur, Kadapa District, and transferred to Family Court, Kurnool, for disposal in accordance with law.

7. Accordingly, transfer C.M.P. is ordered.

8. Miscellaneous petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

4th August 2016.

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