

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.495 of 2016

ORDER:

This petition is filed to withdraw F.C.O.P.No.745 of 2016 from the file of Additional Family Court, Visakhapatnam, and transfer the same to Senior Civil Judge, Vizianagaram, to be tried along with H.M.O.P.No.59 of 2016.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was solemnized on 23.05.2014 as per Hindu rites and caste custom and they lead happy marital life during early days and thereafter respondent subjected her for harassment and that she was driven out from the matrimonial house. She stated that she was forced to go to her parents' house at Kothavalasa, Vizianagaram District, and that respondent filed F.C.O.P.No.745 of 2016 before Additional Family Court, Visakhapatnam, for divorce. She stated that she filed H.M.O.P.No.59 of 2016 before Senior Civil Judge, Vizianagaram, for restitution of conjugal rights. She further stated that she is residing with her parents' house and respondent has to attend Senior Civil Judge, Vizianagaram, in connection of H.M.O.P.No.59 of 2016, therefore, no prejudice would be caused if F.C.O.P.No.745 of 2016 filed by husband is transferred to Vizianagaram from Additional Family Court, Visakhapatnam. For these reasons, she prayed for transfer of F.C.O.P.No.745 of 2016 from Additional Family Court, Visakhapatnam, to Senior Civil Judge, Vizianagaram.

3. This Court permitted petitioner to take personal notice on respondent and in compliance of the said order, advocate for petitioner filed memo dated 02.09.2016 stating that notice sent to respondent is duly served and filed postal acknowledgment along with memo. In spite of service of notice, respondent neither appeared in person nor through any advocate.

4. Heard advocate for petitioner.

5. Considering the reasons stated in the affidavit filed in support of petition and also considering convenience of wife, F.C.O.P.No.745 of 2016 is withdrawn from Additional Family Court, Visakhapatnam, and transferred to Senior Civil Judge, Vizianagaram, for disposal in accordance with law.

6. Transfer C.M.P. is ordered accordingly.

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

9th September 2016.

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S. RAVI KUMAR, J