HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.186 of 2014

ORDER:

This petition is filed to withdraw Indian Divorce O.P.No.5 of 2011 from the file of District Judge-cum-Family Court, Mahaboobnagar, and transfer the same to Additional Family Court, Visakhapatnam.

2. Wife filed this petition and according to her affidavit, her marriage with respondent was solemnized on 10.04.2008 at Christ the Saviour Church, Visakhapatnam as per Christian customs and thereafter due to harassment she lodged a complaint, which is registered as C.C.No.183 of 2011 on the file of I Additional Chief Metropolitan Magistrate, Visakhapatnam, and that she filed D.V.C.No.22 of 2011, which is pending before II Additional Chief Metropolitan Magistrate, Visakhapatnam and that she filed O.P.No.333 of 2010 claiming return of dowry amount and gold articles and she filed O.P.No.345 of 2010 for maintenance and all the cases are pending for consideration before the Courts at Visakhapatnam. She stated that respondent filed O.P.No.5 of 2011 before Family Court, Mahaboobnagar, for restitution of conjugal rights and that she is a resident of Visakhapatnam and it is difficult for her to travel from Visakhapatnam to Mahaboobnagar, which is nearly

1000 kms. She also contended that there will be threat to

her life if she attends Family Court, Mahaboobnagar and by considering these aspects she prayed for transfer of O.P.No.5 of 2011 from Family Court, Mahaboobnagar to Additional Family Court, Visakhapatnam.

3. This Court permitted petitioner to take personal notice through registered post with acknowledgment due and file proof of service and in compliance of the said order, notice was sent and the notice was returned with an endorsement that party is absent, intimation was given. Even notice sent by Court is also returned with a similar endorsement addressee was out of station, but intimation was given and this intimation was given in July, 2014, but till now neither respondent appeared in person nor engaged any Advocate, therefore, service is held sufficient.

4. Heard arguments.

5. Considering the reasons stated in the affidavit and also considering the fact that cases filed by wife are pending before Courts at Visakhapatnam and by taking the convenience of wife into consideration, O.P.No.5 of 2011 is withdrawn from District Court-cum-Family Court, Mahaboobnagar, and transferred to Additional Family Court, Visakhapatnam, for disposal in accordance with law.

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

7. Miscellaneous petitions pending, if any, shall stand

closed.

S. RAVI KUMAR, J

1st March 2016.

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