

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.68 of 2016

ORDER:

This petition is filed to withdraw O.P.No.1715 of 2015 from the file of Additional Family Court, Visakhapatnam, and transfer the same to any Court having jurisdiction at Kakinada, East Godavari District.

2. Wife filed this petition. According to her affidavit, her marriage with respondent took place on 04.06.2014 at Visakhapatnam as per Hindu rites and caste custom and that she was working as Assistant Professor in Engineering College for Women, Kakinada, whereas respondent is working as Associate Professor in JNTU, Vizianagaram. She stated that after marriage respondent was transferred to Visakhapatnam and they both resided at Kakinada and respondent insisted her to resign the job and that she resigned her job on 31.07.2014 and the same was informed to him. She further stated that respondent filed O.P.No.331 of 2015 for restitution of conjugal rights before Additional Family Court, Visakhapatnam and on the transfer petition filed by her, O.P.No.331 of 2015 was transferred to Principal Senior Civil Judge, Kakinada and numbered as H.M.O.P.No.234 of 2015. She stated that H.M.O.P.No.234 of 2015 was withdrawn after transfer to Kakinada and thereafter she filed M.C.No.5 of 2016 before Judicial First Class Magistrate, Kakinada, then respondent again filed O.P.No.1715 of 2015 before Family Court,

Visakhapatnam, for divorce. She stated that she is living with her mother at Kakinada, who is suffering with old age problems and she is afraid of going to Visakhapatnam alone and that she has no relatives at Visakhapatnam. She further stated it is highly expensive to travel from Kakinada to Visakhapatnam. For these reasons, she prayed for transfer of O.P.No.1715 of 2015 from Additional Family Court, Visakhapatnam to any Court having jurisdiction at Kakinada.

3. This Court permitted petitioner to take out personal notice to respondent through registered post with acknowledgment due and file proof of service. Advocate for petitioner submitted that in compliance of the said order, notice was sent on 12.02.2016, till now postal acknowledgment is not received, but notice sent to respondent through Court is duly served and as per the postal acknowledgment respondent received the notice on 20.02.2016. Perused the postal acknowledgment received by Registry. In spite of service respondent neither appeared in person nor through any Advocate.

4. Heard advocate for petitioner.

5. Considering the reasons stated in the affidavit and also considering the convenience of wife, O.P.No.1715 of 2015 is withdrawn from Additional Family Court, Visakhapatnam, and transferred to Principal Senior Civil Judge, Kakinada, East Godavari District, 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

11th August 2016.
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