

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P. No. 671 of 2013

ORDER:

This application is filed to transfer F.O.P No. 46 of 2013 from the Family Court at Mahaboobnagar to any Senior Civil Judge Courts in Kakinada, East Godavari District.

2. Wife filed this application. According to her affidavit, her marriage was solemnized on 23.10.1992 at Mahaboobnagar as per Christian Rites and Custom. She stated that due to disputes she was sent away from matrimonial home and she is now living with her parents at Kakinada. She stated that when elders expressed their helplessness to persuade the respondent, she was constrained to file a petition seeking maintenance before the Special Mobile First Class Magistrate, Kakinada and the said case is pending. She also stated that she lodged a complaint with Sarpavaram Police Station, Kakinada, against respondent and his family members and investigation is pending in it. She stated that respondent filed a mutual divorce petition before the Family Court, L.B.Nagar in O.P.No. 212 of 2013 without her consent and as she did not appear before the family court, no relief was granted. It is stated that thereafter, respondent filed

F.O.P.No. 46 of 2013 before the Family Court, Mahaboobnagar as a counter blast. Petitioner stated that it is difficult for her to travel from Kakinada to Mahaboobnagar alone and that she is apprehending danger to her life in the hands of family members of respondent at Mahaboobnagar and she stated that she has no male assistance to escort her from Kakinada to Mahaboobnagar. She also stated that the respondent has to attend the Courts at Kakinada in connection with maintenance case and as such, the OP pending on the file of Family Court, Mahaboobnagar may be transferred to Kakinada.

3. Respondent filed counter affidavit disputing the affidavit averments of the petitioner and contended that since the marriage was performed at Mahaboobnagar, the Court at Mahaboobnagar has alone got jurisdiction and that there are no merits in the transfer CMP and the same is liable to be dismissed. It is further stated that the application F.O.P No. 46 of 2013 was filed as a counter blast for the MC filed by her is not correct and contended that MC is still at the stage of SR and it is not even numbered on the date of filing of the Transfer CMP and therefore, the Tr. CMP is liable to be dismissed.

4. Heard arguments.

5. On a consideration of contentions and rival contentions of both parties, I am of the view that convenience of wife has to be considered particularly

when the respondent has to attend the Courts at Kakinada in connection with maintenance case and Criminal Case filed by the wife.

6. For these reasons, F.O.P. No. 46 of 2013 is withdrawn from Family Court, Mahaboobnagar and transferred to Principal Senior Civil Judge, Kakinada, East Godavari District for disposal in accordance with law.

7. Accordingly, this Transfer C.M.P. is ordered. As a sequel, miscellaneous petitions, pending if any, shall stand closed.

S. RAVI KUMAR, J

Date: 26.07.2016.

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