

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.379 of 2015

ORDER:

This petition is filed to withdraw H.M.O.P.No.77 of 2011 from the file of Principal Senior Civil Judge, Kothagudem, Khammam District, and transfer the same to Senior Civil Judge, Suryapet, Nalgonda District.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 22.04.1998 at Suryapet as per Hindu rites and caste custom and at the time of marriage, it was represented that respondent was working in Singareni Collories, which proved to be false subsequently and that respondent was an un-employee at that time. She stated that she lived with respondent at Kothagudem and out of their wedlock three children were born, who are 10 years, 8 years and 6 ½ years respectively, and that she was subjected to cruelty both physically and mentally by respondent and his mother and that respondent deserted her and she lodged a complaint, which is registered as Crime No.57 of 2011 and thereafter respondent filed H.M.O.P.No.77 of 2011 before Senior Civil Judge, Kothagudem, for divorce and that she filed her counter and contesting the same. She stated that whenever she appear in the Court at Kothagudem, respondent is threatening and passing unnecessary remarks against her with a view to make her

to come to the terms with respondent. She stated that distance between Kothagudem and Suryapet is about 300 kms. and it is difficult for her to travel from Suryapet to Kothagudem along with children for the purpose of trial, which was already commenced. She stated that she has financial constraints to meet the travelling expenses and respondent is not even paying maintenance, which was granted to her. She stated that she is permanent resident of Suryapet and her health became weak and not able to travel without any assistance. For these reasons, she prayed for transfer of H.M.O.P.No.77 of 2011 from Principal Senior Civil Judge, Kothagudem to Senior Civil Judge, Suryapet.

3. This Court permitted petitioner to take personal notice both to respondent and also to his counsel on record in the lower Court through registered post with acknowledgment due and in compliance of the said order, advocate for petitioner filed memo dated 16.11.2015 stating that notice sent to the counsel was served, whereas notice sent to respondent was returned for want of house number and filed both the returned cover and postal acknowledgment along with memo. In spite of service of notice on the counsel of respondent in the lower Court, 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, H.M.O.P.No.77 of 2011 is withdrawn from Principal Senior Civil Judge, Kothagudem, Khammam District, and transferred to Senior Civil Judge, Suryapet, Nalgonda 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

16th August 2016.

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