

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.711 of 2015

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ORDER :

This Transfer CMP is filed by the petitioner/wife against the respondent/husband for transfer of FCOP.No.703 of 2014 pending on the file of the Family Court, Ranga Reddy District at L.B.Nagar to the Family Court at Vijayawada, Krishna District.

The case of the petitioner is that her marriage with the respondent was performed on 11.12.2005 as per Hindu rites and Customs at Vijayawada and thereafter the petitioner joined the company. of the respondent. Though, the petitioner is well educated and studied MCA, the respondent did not allow her to go to USA and insisted the petitioner to stay at home and do service to his parents and the petitioner did not object for the same and they led happy marital life together with their children. Thereafter, the respondent shifted the family back to Hyderabad in the month of August, 2012 and left the petitioner at Hyderabad and joined a job at Bangalore. Thereafter, he stopped visiting the petitioner and proceeded to initiate proceedings against the petitioner seeking divorce by filing FCOP.No.703/2014 on the file of the Family Court, R.R.District at L.B.Nagar. Since the respondent left the petitioner and two children and is not maintaining the petitioner, she filed MC.No.304/2015 on the file of the Family Court, Vijayawada for maintenance and also OP.No.948 of 2015 for restitution of conjugal rights before the same Court. The grievance of the petitioner is that she has no source of income; that she is staying with her parents at Vijayawada and that it is very difficult for her to travel all the way from Vijayawada to Hyderabad, alone, as it involves both physical and financial burden. As such, she filed the

present transfer petition.

Heard learned counsel for the petitioner and
Sri T.Ravi Kiran, learned counsel for the respondent.

Though notice is served no counter affidavit filed by the respondent.

Learned counsel for the petitioner states that the petitioner cannot travel all the way from Vijayawada to Hyderabad for defending the OP.No.703/2014 filed by the respondent, as she has no male support and that the respondent has to attend the Court at Vijayawada for defending the MC No.304/2015 as well as OP.No.948/2015 filed by the petitioner for maintenance and restitution of conjugal rights, respectively. As such, the OP filed by the respondent is liable to be transferred to the Family Court at Vijayawada.

It is to be seen that the OP.No.948/2015 and MC.No.304/2015 filed by the petitioner for restitution of conjugal rights and maintenance, respectively, are pending on the file of the Family Court, Vijayawada and the respondent has to attend the Family Court for defending himself in those cases. Petitioner also expressed her difficulty to travel all the way from Vijayawada to Hyderabad. In view of the same, and in view of the Judgment rendered by the Apex Court in ***Sumita Sing v. Kumar Sanjay and another***^[1] wherein it was held that in transfer of matrimonial proceedings initiated by the husband against wife, it is the convenience of wife that has to be looked at, I feel it appropriate to transfer OP.No.703 of 2014 pending on the file of the Family Court, Ranga Reddy District, L.B.Nagar to the Family Court, Vijayawada to be tried along with OP.No.948 of 2015.

Accordingly, the transfer CMP is allowed and OP.No.703 of 2014 pending on the file of the Family Court, Ranga Reddy District

at L.B.Nagar is transferred to the Family Court, Vijayawada to be tried along with OP.No.948/2015. However, since it is stated that the respondent is a private employee, the presence of the respondent is dispensed with on each and every date of hearing, except on the dates of conciliation, cross-examination. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the transfer petition, shall stand closed.

A.RAJASHEKER REDDY, J

21.01.2016

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[\[1\]](#) AIR 2002 SUPREME COURT 396