

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.211 of 2016

ORDER:

This petition is filed to withdraw H.M.O.P.No.3 of 2016 from the file of Senior Civil Judge, Kandukur, Prakasam District, and transfer the same to Family Court-cum-V-Additional District Judge, Visakhapatnam.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 18.06.2014 at Kandukur as per Hindu rites and caste custom and after marriage she joined respondent and that respondent and his parents looked her well for some time in the initial days, thereafter started harassing and finally she was necked out from the matrimonial home and having no other go, she went to her parents house and made efforts for mediation. She stated that she filed a criminal case against respondent for the offence under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act before I-Additional Chief Metropolitan Magistrate Court, Visakhapatnam. She further stated that she filed F.C.O.P.No.1106 of 2015 for maintenance before Family Court, Visakhapatnam and also filed D.V.C.No.23 of 2015 before IV-Additional Chief Metropolitan Magistrate Court, Visakhapatnam. She stated that she received notice from Senior Civil Judge's Court, Kandukur, in O.P.No.3 of 2016 and respondent filed that O.P. seeking dissolution of their marriage. She stated that it is very expensive and

troublesome for her to travel from Visakhapatnam to Kandukur and her parents are not in a position to accompany her for each and every adjournment. She stated that she has no relatives or friends at Kandukur and she has to necessarily stay in a hotel for the purpose of defending H.M.O.P.No.3 of 2016, which is highly expensive. She stated that distance between Kandukur and Visakhapatnam is more than 500 kms. as she has no source of independent income, she sought for transfer of H.M.O.P.No.3 of 2016 from Senior Civil Judge, Kandukur to Family Court, Visakhapatnam.

3. In spite of granting time twice from April, 2016, respondent has not filed any counter disputing the affidavit averments of petitioner.

4. Heard arguments.

5. Considering the reasons stated in the affidavit filed in support of petition and also considering the convenience of wife and the fact that two cases initiated by wife i.e., F.C.O.P.1106 of 2015 and D.V.C.No.23 of 2015 are already pending before the Court at Visakhapatnam besides the criminal case, I deem it appropriate to consider the request of wife.

6. For these reasons, H.M.O.P.No.3 of 2016 is withdrawn from Senior Civil Judge, Kandukur, Prakasam District, and transferred to Family Court-cum-IV-Additional District Judge, Visakhapatnam, for disposal in accordance with law.

7. Transfer C.M.P. is ordered accordingly.
8. Miscellaneous petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

18th August 2016.
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