

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.335 of 2012

ORDER:

This Transfer CMP is filed to withdraw OP.No.459/2012 pending on the file of the Family Court, L.B.Nagar, Rangareddy District and transfer the same to the Court of Senior Civil Judge at Kothagudem, Khammam District.

The case of the petitioner is that her marriage with the respondent was performed on 12.02.2011 as per Hindu rites and Customs and that after the marriage the respondent and his family members started harassing the petitioner for additional dowry and necked out the petitioner. As such, the petitioner filed a complaint on 13.04.2012 with the Station House Officer, Paloncha Town Police Station under Section 498 A IPC and Sections 3 and 4 of Dowry Prohibition Act and the same is registered as Crime No.99 of 2012. As a counter blast, the respondent filed OP.No.459 of 2012 on the file of the Family Court, L.B.Nagar, Ranga Reddy District seeking dissolution of the marriage. It is also stated that after the petitioner necked out of the house of the respondent, she is staying with her parents at Paloncha and the respondent is threatening the petitioner on phone that the petitioner should not oppose the OP filed by him and should not attend the Court. It is further stated that the petitioner apprehend danger in the hands of the respondent, if she attend the Court at Ranga Reddy. Hence, she filed the present transfer petition.

This Court, on 23.09.2015, while granting stay, ordered notice to the respondent. Thereafter, this Court permitted the petitioner to take personal notice on the respondent to the address

given by the respondent in OP.No.459 of 2012, but they were returned. Hence the petitioner filed petition for substitute service and this Court accorded permission on 02.12.2015.

Now, learned counsel for the petitioner states that paper publication was issued and also filed copy of the same before this Court. In spite of paper publication, there is no representation on behalf of the respondent and no counter affidavit is filed.

The averments made in the petition go to show that the criminal case instituted by the petitioner against the respondent is pending and the respondent is also attending the same. Since the difficulty expressed by the petitioner that she cannot travel all the way from Paloncha to Rangareddy District to defend the OP filed by the respondent and in view of the Judgment rendered by the Apex Court in ***Sumita Sing v. Kumar Sanjay and another***^[1] wherein it is 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.459 of 2012 pending on the file of the Family Court, L.B.Nagar, Rangareddy district to the Court of Senior Civil Judge at Kothagudem, Khammam District.

Accordingly the Transfer CMP is allowed and HMOP.No.459/2012 pending on the file of the Family Court, L.B.Nagar, Rangareddy district, is transferred to the Court of the Senior Civil Judge, Kothagudem, Khammam District. 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

04.01.2016

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