

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.C.M.P.No.50 of 2016

ORDER:

This application is filed to withdraw Marriage O.P.No.44 of 2014 from the Court of Senior Civil Judge, Rajampeta, Kadapa District and transfer the same to the Court of Senior Civil Judge, Machilipatnam, Krishna District.

2. Wife filed this application. According to her affidavit, her marriage with respondent was solemnised on 24.08.2005 at Rajampeta, Kadapa District, as per hindu rites and caste customs and they are blessed with a male child on 03.08.2006 and that she joined respondent at Rajampeta on 06.12.2006, thereafter, respondent addicted to bad vices and started harassing her and finally she was necked out from house on 04.07.2008 and having no other alternative, she took shelter in her brother's house at Machilipatnam. She stated that she gave a complaint and a case was registered against respondent and his parents before II Additional Judicial Magistrate of First Class, Machilipatnam in C.C.No.243 of 2009 and that she filed M.C.No.14 of 2009 seeking maintenance and that the maintenance petition was allowed on 05.10.2015. She further stated that respondent filed divorce petition before Senior Civil Judge, Rajampeta and it is difficult for her to travel from Machilipatnam to Rajampeta with her child. She also stated that she suspect danger to her life at Rajampeta and that she has no financial capacity to meet travel expenses from Machilipatnam to Rajampeta for each and every adjournment. For these reasons, she prayed for transfer of O.P. from the Court of Senior Civil Judge, Rajampeta, Kadapa District to the Court of Senior Civil Judge, Machilipatnam, Krishna District.

3. Respondent filed counter disputing affidavit averments of petitioner and contended that transfer petition is not maintainable at this

stage and that the same is nothing but abuse of process of law. It is contended that evidence on petitioner's side is completed in O.P. and therefore, presence of petitioner is not necessary and if O.P. is transferred to Machilipatnam, respondent will be put to great hardship. It is further contended that present petition is filed only to harass respondent and respondent has to travel more than 500 kilometres if the O.P. is transferred and therefore, prayed for dismissal of the petition.

4. For this, petitioner filed reply stating that O.P. is at the stage of filing counter and allegation that evidence on petitioner's side is completed is incorrect.

5. Heard advocate for petitioner. It is submitted that O.P. stands posed to 10.08.2016 for filing counter and now, respondent is staying in Bangalore and is not a resident of Rajampeta and anyway he has to attend the Court at Rajampeta from Bangalore. He further submitted that by taking convenience of wife into consideration, her request may be considered for transfer of O.P. from Rajampeta to Machilipatnam. It is further submitted that physical presence of respondent is not necessary for each and every adjournment, as presence of parties is not necessary before Senior Civil Judge's Court unlike in Family Court.

6. Though the matter is posted under the caption 'For Orders', no representation is made on behalf of respondent.

7. I have perused the material papers and considering the contentions and rival contentions of both the parties and taking the convenience of wife into consideration, her request for transfer of O.P. from the Court at Rajampeta to the Court at Machilipatnam is considered.

8. Accordingly, O.P.No.44 of 2014 is withdrawn from the file of the Senior Civil Judge's Court, Rajampeta, Kadapa District and

transferred to Senior Civil Judge's Court, Machilipatnam, Krishna District, for disposal in accordance with law.

9. This petition is ordered accordingly. As a sequel, miscellaneous petitions, if any, pending in this petition shall stand dismissed.

19th July, 2016
Bvv

S. RAVI KUMAR, J