HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.94 of 2015

O R D E R :

This Transfer CMP is filed by the petitioner/wife against the respondent/husband for transfer of OP.No.1621 of 2014 pending on the file of Family Court, Ranga Reddy District at L.B.Nagar to the Family Court at Chittoor District.

The case of the petitioner is that her marriage was solemnised with the respondent on 02.03.2012 as per Hindu rites and Customs at Suryapratap Kalyana Mandapam, Chittoor District and that the petitioner was happy for two months with the respondent and thereafter, the respondent started harassing the petitioner both mentally and physically for additional dowry and finally necked out the petitioner. As such, the petitioner filed DVC.No.4 of 2013 against the respondent. Meanwhile, the respondent also filed OP.No.1621 of 2014 on the file of the Family Court at L.B.Nagar, Rangareddy District, seeking a decree for restitution of conjugal rights. The grievance of the petitioner is that she has no source of income; that she is staying with her old aged parents at Chittoor and that it is very difficult for her to travel all the way from Chittoor to Hyderabad, alone, as it involves both physical and financial burden. It is also stated that there is a life threat to the petitioner. As such, she filed the present transfer petition.

The respondent filed counter denying the allegations made by the petitioner that he harassed the petitioner for additional dowry and that the petitioner is living at Chittoor. It is also stated that the petitioner filed a criminal Case i.e. CC.No.3086 of 2013

and DVC No.4 of 2013 on the file of XIX Metropolitan Magistrate, Cyberabad, Kukatpally, Miyapur and she is also attending both the cases. Apart from that she engaged an advocate in CC.No.48/2015, which is pending on the file of III Additional District and Sessions Judge-cum-Family Court at Ranga Reddy District and pursuing all the above cases.

Heard both sides.

In this case it is to be seen that DVC.No.4 of 2013, CC.No.3086 of 2013 are pending on the file of the XIX Metropolitan Magistrate, Cyberabad, Kukatpally, Miyapur and CC.No.48 of 2015 is pending on the file of III Additional District and Sessions Judge-cum-Family Court at Rangareddy District. As per the counter affidavit which is not disputed by the petitioner by filing reply, the petitioner has been attending all the aforesaid cases. In the affidavit filed in support of this petition, it is stated that the petitioner is living with her parents at Chittoor. But, the father and mother of the petitioner deposed in CC.No.3086 of 2013, on 12.11.2015, that they are residing at BHEL, Hyderabad. Copies of the depositions are also placed before this Court, which goes to show that they are the residents of BHEL, Hyderabad. Since the parents are staying at Hyderabad, the petitioner obviously filed criminal cases and DVC before the Courts at Miyapur and L.B.Nagar. Since already the aforesaid cases are pending and pursued by the petitioner at Hyderabad, I do not see any reason to transfer OP.No.1621 of 2014 filed by the respondent-husband for restitution of conjugal rights from the Family Court at L.B.Nagar, Ranga Reddy District to the Family Court at Chittoor.

Accordingly, the transfer CMP is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending

in the transfer petition, shall stand closed.

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A.RAJASHEKER REDDY, J

25.01.2016
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