

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.476 of 2015

ORDER:

This Transfer CMP is filed by the petitioner/wife against the respondent/husband for transfer of OP.No.695 of 2014 pending on the file of the Family Court, Vijayawada to the Prl. Senior Civil Judge Court, Machilipatnam.

The case of the petitioner is that she is the legally wedded wife of the respondent and their marriage was performed on 15.02.2012 at Kankipadu Village, Krishna District, as per Hindu Rites and Customs and that immediately after the marriage the petitioner joined the company of the respondent. Thereafter, the respondent and his family members started harassing the petitioner for additional dowry and that the family members of the respondent forcefully taken away 9 sovereigns of gold ornaments from the petitioner and necked out the petitioner from the house with demand to bring one lakh cash and motor cycle as additional dowry. As such, the petitioner gave police complaint on the file of Bantumilli P.S. and the same was registered as crime No.31/2013 under Section 498 A IPC and Sections 3 and 4 of Dowry Prohibition Act and charge sheet was filed on the file of the Judicial First Class Magistrate Court, Bantumilli. Meanwhile the respondent filed OP.No.695 of 2014 on the file of the Family Court, Vijayawada seeking restitution of conjugal rights. The grievance of the petitioner is that she is staying at Arthamuru village and she has life threat in the hands of the respondent and that there is no male support to her to travel from her place to Vijayawada to defend in the OP filed by the respondent. As such, she filed the present transfer petition seeking transfer of the said OP from

Vijayawada to Machilipatnam which is only 10 K.Ms away from her village. She also states that it is also convenient even for the respondent to attend Machilipatnam instead of Vijayawada.

Heard learned counsel for the petitioner.

Though notice is served, no counter affidavit is filed and there is no opposition from the respondent.

In the affidavit filed in support of this petition it is stated that the petitioner cannot travel from her village to Vijayawada and that Machilipatnam is very nearer to her and even to the respondent. 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.695 of 2014 pending on the file of the Family Court, Vijayawada to the Prl.Senior Civil Judge Court at Machilipatnam, Krishna District.

Accordingly, the transfer CMP is allowed and OP.No.695 of 2014 pending on the file of the Family Court, Vijayawada is transferred to the Prl.Senior Civil Judge's Court, Machilipatnam, Krishna 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

03.02.2016

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^[1] AIR 2002 SUPREME COURT 396