

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.546 of 2015

ORDER:

This Transfer CMP is filed to withdraw HMOP.No.36/2015 pending on the file of Senior Civil Judge, Razole, East Godavari District and transfer the same to the Family Court, Eluru, West Godavari District.

The case of the petitioner is that her marriage with the respondent was performed on 26.02.2012 at Rice Millers Association, Eluru as per Hindu rites and Customs and that after the marriage the respondent and his family members started harassing the petitioner and as such, the petitioner filed DVC.No.29 of 2014 on the file of the Special Judicial First Class Magistrate (Excise), Eluru, West Godavari District and also MC.No.15 of 2014 on the file of Special Judicial First Class Magistrate (Excise) Eluru, West Godavari District against the respondent. It is also stated that the petitioner also filed a complaint in CC.No.88 of 2014 for the offences under Section 498(A) & 506 IPC & Section 3 and 4 of Dowry Prohibition Act and the same is pending on the file of Special Judicial First Class Magistrate (Excise), Eluru, West Godavari District. While so, the respondent filed HM.OP.No.36 of 2015 on the file of Senior Civil Judge, Razole, East Godavari district. The grievance of the petitioner is that she is living at her paternal grandparents' house and that it is very difficult for her to attend the Court at Razole, alone, to defend in HM.OP.No.36/2015. Hence filed this transfer petition.

This Court, on 23.09.2015, while granting stay, ordered

notice to the respondent. In pursuance of the same though notice is issued to the respondent on various dates to the address given by the respondent in OP.No.36/2015 and also to the address known to the petitioner, the same were returned with an endorsement 'insufficient address'. As such, this Court directed notice to the counsel appearing for the respondent in the Court below and the same was served.

Inspite of service of notice on the counsel and inspite of sending notice to the respondent to the address given by him in the OP filed by him and to the address known by the petitioner, there is no appearance on behalf of the respondent and no counter is filed.

Heard learned counsel for the petitioner.

The above narrated facts which are made in support of this transfer petition goes to show that the MC, DVC and criminal proceedings filed by the petitioner are pending at Eluru and the respondent has to attend the Courts at Eluru. 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 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.36 of 2015 pending on the file of the Senior Civil Judge, Razole, East Godavari District to the Family Court, Eluru.

Accordingly the Transfer CMP is allowed and HMOP.No.36/2015 pending on the file of Senior civil Judge, Razole, East Godavari District is transferred to the Family Court, Eluru. 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