

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.18 of 2016

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ORDER:

This Transfer CMP is filed by the petitioner/wife against the respondent/husband, for transfer of HMOP.No.5 of 2015, pending on the file of the Senior Civil Judge, Bapatla to the Family Court, Vijayawada.

The case of the petitioner is that her marriage with the respondent was performed on 29.08.2013 at Vijayawada as per Hindu rites and customs and out of their wed-lock, they are blessed with one female child. After the marriage the petitioner lead marital life happily for few days, but, thereafter, the respondent and his parents started harassing the petitioner for additional dowry. As such, the petitioner filed a complaint to the Mahila Police Station, Vijayawada and the same was registered as FIR in Crime No.118/2014 for the offences under Section 498-A IPC and after completion of investigation the police laid charge sheet and the same was numbered as CC.No.1169 of 2014 on the file of the II Additional Chief Metropolitan Magistrate, Vijayawada. Thereafter, the petitioner also filed MC.No.322 of 2014 and DVC.No.430 of 2014 which are pending on the file of Family Court, Vijayawada. Meanwhile, the respondent filed HMOP.No.5 of 2015 on the file of Senior Civil Judge, Bapatla. The grievance of the petitioner is that she is staying at her parents house at Vijayawada and surviving on their mercy and that it is difficult for her to travel from Vijayawada to Bapatla along with the minor child who is aged one year and that she has no male assistance to travel all the

way 100 K.Ms. from Vijayawada to Bapatla. As such, she filed the present transfer petition.

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

The facts referred to above which are averred in the affidavit filed in support of this petition goes to show that the cases instituted by the petitioner against the respondent are pending on the file of Courts at Vijayawada and that petitioner is unable to travel from Vijayawada to Bapatla along with her minor child, as it involves physical and financial burden.

In view of the above facts and circumstances, I am of the opinion that the HMOP.No.5/2015, filed by the respondent/husband for divorce is liable to be transferred from the Court of Senior Civil Judge, Bapatla to the Family Court, Vijayawada.

Accordingly, the transfer petition is allowed and HMOP.No.5 of 2015, pending on the file of the Senior Civil Judge, Bapatla is transferred to the Family Court, Vijayawada. 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

10.02.2016
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