

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFER C.M.P.NO.728 OF 2015

ORDER:

This Transfer C.M.P. is filed by the petitioner-wife against the respondent-husband for transfer of O.P.No.10 of 2015 filed by the respondent-husband for dissolution of marriage, pending on the file of Senior Civil Judge at Asifabad, Adilabad District to the file of Family Court at Karimnagar.

The case of the petitioner is that her marriage with the respondent was performed on 07.08.2009 at Karimnagar as per customs prevailing in Padmashali caste and they lived happily for few months. Thereafter, the respondent and his family members started harassing the petitioner physically and mentally and demanding for additional dowry. The respondent got job in MNC company at Hyderabad and presently he is working at Hyderabad. Unbearable with the harassment from the respondent and his parents, the petitioner lodged a complaint with the police and after conducting counseling by the police, the respondent realized the mistake and executed an agreement, dt.04.04.2015 stating that he will look after the petitioner very well. Again the respondent started harassing the

petitioner and made the petitioner to file a complaint before the police on 28.11.2015. Thereafter, the respondent filed O.P.No.10 of 2015 before the Senior Civil Judge, Asifabad for dissolution of marriage under Section 13 (1) (ia) of Hindu Marriage Act, 1955. It is also stated that the petitioner being a lady and residing with her parents at Karimnagar, she cannot travel all the way from Karimnagar to Adilabad, which is about 200 kms., away from Karimnagar.

Though notice is served on the respondent, the same was returned with an endorsement 'unclaimed'. Hence, it is deemed to be served.

The learned counsel for the petitioner states that the petitioner is staying with her parents at Karimnagar and she being a lady, is unable to travel from Karimnagar to Adilabad and also relied on a decision of the Apex Court in SUMITA SINGH VS. KUMAR SANJAY AND ANOTHER^[1] wherein it was held that while transferring matrimonial proceedings initiated by the husband, the convenience of wife must be looked at.

In view of above facts and circumstances of the case, Transfer C.M.P. is allowed, transferring O.P.No.10 of 2015 from the file of Senior Civil Judge at Asifabad, Adilabad to the file of

Family Court at Karimnagar. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY

Dt.07.01.2016
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[\[1\]](#)) AIR 2002 SC 396