

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.101 of 2016

ORDER:

This petition is filed to withdraw M.O.P.No.97 of 2015 from the file of Additional Senior Civil Judge, Srikakulam, and transfer the same to Additional Family Court, Visakhapatnam.

2. Wife filed this petition and according to her affidavit, her marriage with respondent was performed on 31.05.2002 at Lalitha Kalyana Mandapam, Amudalavalasa, Srikakulam District, as per Hindu rites and custom and they are blessed with two children one daughter and one son. She stated that there were disputes with regard to additional dowry and she was necked out from the house along with her children and she filed maintenance case F.C.O.P.No.697 of 2013 before Additional Family Court, Visakhapatnam, and the same is pending. She further stated that she also gave a complaint and the police registered it as Crime No.386 of 2013 for the offence under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act and the same is also pending adjudication. She stated that respondent intentionally filed M.O.P.No.97 of 2015 for restitution of conjugal rights before Srikakulam Court to harass her. She stated that she has no means to attend the Court at Srikakulam as she is completely dependant

on her parents. She further stated that she cannot travel alone from Visakhapatnam to Srikakulam as the children are school going children, for these reasons, she prayed for transfer of M.O.P.No.97 of 2015 from Additional Senior Civil Judge, Srikakulam, to Additional Family Court, Visakhapatnam.

3. This Court permitted petitioner to take out personal notice to respondent through registered post with acknowledgment due and in compliance of the said direction, advocate for petitioner filed a memo dated 15.03.2016 stating that notice sent to respondent is received and filed postal acknowledgment along with the memo. In spite of service of notice respondent neither appeared in person nor through any advocate.

4. Heard arguments.

5. Considering the reasons stated in the affidavit and also considering the convenience of wife, M.O.P.No.97 of 2015 is withdrawn from Additional Senior Civil Judge, Srikakulam, and transferred to Additional Family Court, Visakhapatnam, for disposal in accordance with law.

6. Accordingly, the transfer C.M.P. is ordered.

7. Miscellaneous petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

21st March 2016.

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