

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

TRANSFER C.M.P.NO.718 OF 2015

ORDER:

This Transfer C.M.P. is filed by the petitioner-wife against the respondent-husband for transfer of H.M.O.P.No.21 of 2015 instituted by the respondent-husband for divorce, pending on the file of Senior Civil Judge, Rayachoti to the file of Principal Senior Civil Judge, Madanapalle.

The case of the petitioner is that her marriage with the respondent was performed on 17.10.2013 at K.K.Kalyanamandapam, T.Sundupalli, Kadapa District as per Hindu Rites and Customs. Ever since the date of their marriage, the respondent and his family members tortured the petitioner physically and mentally and demanded for additional dowry and necked out her from the house of respondent. Thereafter the petitioner filed a private complaint before the Judicial First Class Magistrate, Madanapalle against the respondent and his family members and the said case was referred to Madanapalle II Town Police Station and the same was registered as FIR.No.138/2015 for the offence under Sections 448, 449, 307, 323, 498-A, 406-IPC, r/w Section 34

I.P.C., and Section 4 of Dowry Prohibition Act and the petitioner also filed a suit in O.S.No.598 of 2014 on the file of Principal Senior Civil Judge, Madanapalle against the respondent for maintenance. Thereafter, the respondent filed the present H.M.O.P.No.21 of 2015 on the file of Senior Civil Judge, Rayachoti, for restitution of conjugal rights, under Section 9 of Hindu Marriage Act. It is also the case of the petitioner that she being a lady, is not in a position to travel all the way from Madanapalle to Rayachoti which is at a distance of 150 kms., as she has no male assistance. The petitioner also states that her parents are sick and cannot travel such a long distance.

Though notice is served on the respondent, no counter affidavit is filed.

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

The learned counsel for the petitioner submits that the suit in O.S.No.598 of 2014 filed by the petitioner against the respondent for grant of maintenance is pending on the file of Principal Senior Civil Judge, Madanapalle and the criminal proceedings initiated by her against the respondent and his family members are also pending before Madanapalle II Town Police Station and the respondent and his family members

have to attend the said proceedings at Madanapalle. The learned counsel also submits that the distance between Madanapalle to Rayachoti is 150 kms., away and therefore, the petitioner cannot travel all the way from Madanapalle to Rayachoti.

In view of above facts and circumstances, which are not controverted by the respondent, I am of the opinion that H.M.O.P.No.21 of 2015 pending on the file of Senior Civil Judge, Rayachoti is liable to be transferred to the file of Principal Senior Civil Judge, Madanapalle.

The Transfer C.M.P. is accordingly allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dt.07.01.2016
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