

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.653 OF 2015

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ORDER :

This transfer petition is filed by the petitioner/wife to transfer FCOP No.643 of 2014 filed by the respondent/husband for granting of divorce, on the file of Family Court Judge, Secunderabad, to the Court of Senior Civil Judge, Sircilla, Karimnagar District.

2. It is the case of the petitioner that her marriage with the respondent was performed on 04.11.2011 at Sircilla, Karimnagar District and out of their wedlock one girl was born. The petitioner and respondent lived happily for some time. Subsequently, the respondent along with his family members started harassing the petitioner to get additional dowry. Therefore, petitioner filed dowry harassment case and DVC No.5 of 2015, which are pending on the file of the Addl. Judicial First Class Magistrate at Sircilla, Karimnagar District. It is stated that the petitioner is now residing with her parents at Sircilla, Karimnagar District, which is 200 kms from Secunderabad. The petitioner cannot travel all the way from Secunderabad to Sircilla, Karimnagar to defend the OP filed by the respondent for granting of divorce and that there is no male assistance to the petitioner. It is also stated that the respondent has to attend the DVC case at Addl. Judicial First Class Magistrate at Sircilla, Karimnagar District.

3. This Court, by order dated 04.11.2015 in Tr.CMP MP No.819 of 2015, granted interim stay of all further proceedings in OP No.643 of 2014 on the file of the Family Court Judge, Secunderabad.

4. Now, respondent filed Tr.CMP MP No.988 of 2015 along with counter to vacate the interim orders granted on 04.11.2015 stating that after filing of the OP only and after receiving notices, the petitioner filed domestic violence case and also instituted criminal case on 27.01.2015 as a counter-blast to the same. Aggrieved by the same, respondent filed W.P.No.34727 of 2015 before this Court questioning the proceedings in Crime NO.31 of 2015, wherein this Court granted interim stay of all

further proceedings in DVC No.5 of 2015 including appearance of the respondent and his parents. It is also stated that there is no reasonable cause for transfer of the OP from Secunderabad to the Court at Sircilla, Karimnagar District. The respondent has made several allegations, which are not relevant for the purpose of disposal of this transfer petition.

5. Heard learned counsel for petitioner as well as learned counsel for the respondent.

6. The marriage between the parties is not in dispute. Out of their wedlock, a girl child was born. Admittedly, petitioner along with her child is residing at Sircilla, Karimnagar District with her parents. Though, it is stated by the learned counsel for the respondent that there is threat to the life of the respondent, no complaint is given to police regarding same. More so, the criminal proceedings filed by the petitioner are pending before the Court at Sircilla, in Cr.No.31 of 2015. The distance between Secunderabad to Sircilla, Karimnagar is 200 kms and that petitioner has to travel all the way from Secunderabad to Sircilla along with minor child to defend herself in OP filed by the respondent at Secunderabad.

7. The Hon'ble Supreme Court in ***Sumita Sing v. Kumar Sanjay and another***^[1] 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.

In view of above facts and circumstances, I am of the opinion that FCOP No.643 of 2014 filed by the respondent/husband for granting of divorce, on the file of Family Court Judge, Secunderabad is liable to be transferred to the Court of Senior Civil Judge, Sircilla, Karimnagar District. However, the presence of the respondent may be dispensed with on each and every date of hearing, except on the dates of cross-examination.

Accordingly, the Tr.CMP is allowed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

12.02.2016
kvs

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[\[1\]](#) AIR 2002 SUPREME COURT 396