

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.182 of 2016

ORDER:

This petition is filed to withdraw H.M.O.P.No.31 of 2015 from Senior Civil Judge, Bobbili, Vizianagaram District, and transfer the same to Family Court, Kakinada.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was solemnized on 01.03.2008 according to Hindu rites and custom at Vizianagaram and she gave birth to two children by name Kowshik and Karthik and as respondent started harassing her, both physically and mentally, she lodged a complaint with police, which is registered as C.C.No.515 of 2014 and that she filed M.C.No.26 of 2015 before V Additional Judicial First Class Magistrate, Kakinada and both the cases are pending. She stated that respondent filed H.M.O.P.No.31 of 2015 before Senior Civil Judge, Bobbili, and that she appeared on two occasions before Bobbili Court and the distance between Bobbili and Kakinada is nearly 200 km. she is facing hardship to travel 200 km. distance along with children. She stated that she became burden to her parents with her two minor children and it is difficult for her to travel from Kakinada to Bobbili, therefore, H.M.O.P.No.31 of 2015 has to be withdrawn from Senior Civil Judge, Bobbili and transfer to Kakinada.

3. This Court permitted petitioner to take personal notice through registered post with acknowledgment due

to respondent and also his advocate on record in the lower Court and to file proof of service. In compliance of the said order, notices were sent through registered post and also through courier. Advocate for petitioner filed a memo dated 27.04.2016 stating that as per the track report of the postal department notice addressed to respondent was served on 25.04.2016 and notice to his advocate was served on 18.04.2016 and he filed the postal receipts, courier receipts and the track report of the postal department. In spite of service of notice respondent neither appeared in person nor through any advocate.

4. Advocate for petitioner submitted though petitioner sought transfer of H.M.O.P.No.31 of 2015 to Family Court, Kakinada, as there is no Family Court at Kakinada, H.M.O.P.No.31 of 2015 may be transferred to Senior Civil Judge, Kakinada.

5. Considering the reasons stated in the affidavit, considering the convenience of wife and also considering the submission of advocate for petitioner, H.M.O.P.No.31 of 2015 is withdrawn from Senior Civil Judge, Bobbili, Vizianagaram, and transferred to Senior Civil Judge, Kakinada, for disposal in accordance with law.

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

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

S. RAVI KUMAR, J

29th April 2016.

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