

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

Tr. C.M.P. No.592 OF 2016

ORDER:

The Tr.C.M.P. is filed by the petitioner—wife, to withdraw D.O.P. No.79 of 2016 from the file of Principal District Judge, Kurnool, Kurnool District, which was filed by her husband, and transfer the same to the Court of Family Court, Kadapa, YSR Kadapa District.

2) Heard both sides. Perused the material on record.

3) The petitioner herein is resident of Porumamilla Village of YSR Kadapa District. The respondent herein filed Divorce O.P. No.79 of 2016 on the file of Principal District Judge, Kurnool under Section 10 the Divorce Act, 1869, seeking divorce.

4) The averments in support of the petition are that the petitioner is house wife and staying with her parents at Porumamilla Village on the mercy of her aged parents and not in a position to travel to kurnool, which is at a distance of 200 Kilometers from her parents place i.e., Porumamilla Village, thereby, she requests for transfer of the said O.P. to Kadapa town within Kadapa District.

5) A perusal of the divorce petition enclosed to the transfer petition even mentioned that the marriage took place on 23.11.2012 at Porumamilla Village and Mandal, Kadapa District and from January, 2013 onwards, she is residing at her parents' place at Porumamilla Village and alleged that she is not joining her husband at his residence at Vempenta Village of Pamulapadu Mandal, Kurnool District. Thus, the very divorce application itself

shows not only the performance of marriage in Kadapa District, but also the wife is residing at her parents house within Kadapa District as claimed by her. When she claims that she is living on the mercy of her aged parents and unable to travel lonely to attend the Court, interest of justice requires to transfer the petition from Principal District Judge, Kurnool to Family Court, Kadapa and the Family Court is directed to number the petition and issue notice to both parties and proceed according to law.

8) Accordingly, the transfer petition is allowed. No costs.

9) Consequently, pending miscellaneous petitions, if any, shall stand dismissed.

Dt.13.10.2016
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Dr.JUSTICE B. SIVA SANKARA RAO

