

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.700 of 2015

ORDER:

This Transfer CMP is filed by the petitioner/wife against the respondent/husband for transfer of OP.No.92 of 2015 pending on the file of the Senior Civil Judge Court, Amalapuram, East Godavari District to the Family Court at Vizianagaram, Vizianagaram District.

The case of the petitioner is that her marriage with the respondent was performed on 17.03.2012 as per Hindu rites and Customs at Vizianagaram and thereafter the petitioner joined the company the respondent and lead marital life for some time. Thereafter, the respondent and his family members started harassing the petitioner for additional dowry and finally the respondent necked out the petitioner from the matrimonial home. As such, the petitioner is staying with her mother at Vizianagaram and also filed a Criminal Case against the respondent and his parents under Section 498A, read with Section 34 IPC. The petitioner also filed FC.MC.No.48 of 2014 on the file of the Family Court-cum-

III Additional District Judge, Vizianagaram, seeking maintenance and the respondent has contested the MC. It is also stated that the FCMC.No.48/2014 was allowed on 21.08.2015 and the respondent was directed to pay the petitioner the maintenance of Rs.5,000/- per month. It is further stated that the respondent also filed OP.No.92 of 2015 on the file of the Senior Civil Judge Court, Amalapuram seeking divorce. The grievance of the petitioner is that she is studying B.Sc. degree and that she has no male assistance to travel nearly 500 K.Ms from Vizianagaram to

Amalapuram on each and every adjournment. It is also stated that her father expired and there is no source of income and it is very difficult for her to travel such a long distance, alone, as it involves both physical and financial burden. As such she filed the present transfer petition.

The respondent filed counter stating that the distance between Amalapuram to Vizianagaram is only 250 K.Ms.; that the petitioner is an educated girl and earning sufficiently by doing private employment; that she has to attend only on one occasion of deposing evidence since the Court where the OP is pending is not a Family Court and she need not attend each and every adjournment; that if OP.No.92/2015 is transferred, the respondent has to obtain leave from his employer for each and every adjournment and that it is difficult to get leave and that in view of frequent absence in the office there is a chance of losing his employment.

It is to be seen that in the criminal case filed by the petitioner against the respondent, which is said to be pending, the respondent is contesting and the MC filed by the petitioner also disposed of. But, in view of the difficulty expressed by the petitioner that it is very difficult for her to travel all the way from Vizianagarm to Amalapuram and in view of the Judgment of the Apex Court in ***Sumita Sing v. Kumar Sanjay and another***^[1] wherein it was 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, I feel it appropriate to transfer OP.No.92 of 2015 pending on the file of the Senior civil Judge Court, Amalapuram, East Godavari District to the Family Court at

Vizianagaram, Vizianagarm District.

In view of the above facts and circumstances, the transfer CMP is allowed and OP.No.92 of 2015 pending on the file of the Senior civil Judge Court, Amalapuram, East Godavari District is transferred to the Family Court at Vizianagaram, Vizianagarm District. However, since it is stated that the respondent is a private employee, the presence of the respondent is dispensed with on each and every date of hearing, except on the dates of conciliation and cross-examination. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the transfer petition, shall stand closed.

A.RAJASHEKER REDDY, J

20.01.2016
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[\[1\]](#) AIR 2002 SUPREME COURT 396