

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.380 of 2016

ORDER:

This petition is filed to withdraw F.C.O.P.No.518 of 2016 from the file of Family Judge-cum-V Additional District Judge, Visakhapatnam, and transfer the same to Senior Civil Judge, Bobbili, Vizianagaram District.

2. Wife filed this petition and according to her affidavit, her marriage with respondent was performed on 15.02.2008 as per Hindu rites and custom at Sri Bodduvari Kalyanamandapam, Bobbili. She stated that after marriage she joined respondent at Hyderabad and lived there and respondent started harassing her and she bore sadistic behaviour of the respondent upto January, 2016 and thereafter she was necked out from the house and now living at her parents place. She stated that she lodged a complaint with Station House Officer, Bobbili for the offences under Sections 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act and investigation is pending. She further stated that she filed D.V.C.No.6 of 2016 and M.C.No.16 of 2016 before Additional Judicial First Class Magistrate, Bobbili and both cases are pending. She stated that respondent filed divorce petition before Family Court, Visakhapatnam and it is difficult for her to travel from Bobbili to Visakhapatnam for defending O.P. filed by husband. She stated that all the three cases initiated by her are pending before the Courts at Bobbili and it would be convenient for both parties, if the Family Court O.P. is also transferred to Bobbili. For that she prayed for transfer of O.P. from Family Judge-cum-V Additional District Judge, Visakhapatnam, to Senior Civil Judge, Bobbili, Vizianagaram District.

3. This Court permitted petitioner to take personal notice to respondent through registered post with acknowledgment due and in compliance of the said order, advocate for petitioner filed memo stating that notices were sent to respondent to his native address at Visakhapatnam and to his place of employment at Hyderabad and notice sent to Visakhapatnam was returned with endorsement 'not claimed' and with regard to the notice sent to Hyderabad address, the postal acknowledgment is not received but as per the track report, the article was delivered to respondent on 28.06.2016, and track report is filed along with memo. In spite of service of notice, respondent neither appeared in person nor through advocate.

4. Heard advocate for petitioner. He submitted that Hyderabad address of the respondent is shown in both D.V.C and M.C. and he is attending both the cases at Bobbili and no prejudice would be caused, if this case is also transferred to Bobbili.

5. Considering the reasons stated in the affidavit and also considering convenience of the wife and the fact that the other cases are pending at Bobbili, F.C.O.P.No.518 of 2016 is withdrawn from Family Judge-cum-V Additional District Judge, Visakhapatnam, and transferred to Senior Civil Judge, Bobbili, Vizianagaram District, for disposal in accordance with law.

6. Accordingly, transfer C.M.P. is ordered. No costs.

7. Miscellaneous Petitions pending, if any, shall stand dismissed.

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S. RAVI KUMAR, J

Date: 27.08.2016

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