

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.390 of 2016

ORDER:

This petition is filed to withdraw H.M.O.P.No.49 of 2016 from Senior Civil Judge, Markapur, Prakasham District and transfer the same to Senior Civil Judge, Kakinada, East Godavari District.

2. Wife filed this application. According to her affidavit, her marriage with respondent was performed on 30.05.2010 as per Hindu Rites and caste custom at Kshatriya Parishad Kalyana Mandapam, Kakinada. She stated that she joined respondent at Markapur, led marital life and during their wedlock a male child was born on 06.08.2014. She stated that respondent and his parents ill-treated and harassed her and finally she was necked out from matrimonial home and having no other alternative she lodged a complaint before Kakinada Police Station and thereafter, criminal case was registered before V Additional Judicial Magistrate of First Class, Kakinada, which ended in acquittal, against which, she preferred appeal and the same is pending before III Additional District and Sessions Judge, Kakinada. She further stated that she filed M.C.No.13 of 2016 and the same is pending before Special Additional Judicial First Class Mobile Magistrate, Kakinada. She stated that respondent filed O.P. before Senior Civil Judge, Markapur for restitution of conjugal rights in order to harass her. She stated that she has no male assistance and financial capacity to travel from Kakinada to Markapur. She stated that respondent has to attend III Additional District Judge, Kakinada in connection with criminal appeal and Special Additional Judicial First Class Mobile Magistrate, Kakinada in connection with M.C and no prejudice will be caused to respondent, if O.P. is also transferred to Kakinada. For these reasons, she prayed for transfer of O.P from Markapur to Kakinada.

3. Respondent filed counter disputing affidavit averments of petitioner mainly contending that sister of petitioner is working as Deputy Superintendent of Police at Tenali and her brother-in-law is working as Deputy Superintendent of Police at Guntur and that he has a life threat at Kakinada. He stated that petitioner is an educated lady and got capacity to earn monthly income and as it is not safe for him to go to Kakinada as he has got threat from the petitioner's sister and her brother-in-law, who are working in police department, he prayed for dismissal of application.

4. Heard both sides. Both side advocates submitted arguments supporting contentions of their respective parties.

5. Advocate for respondent submitted that respondent has no objection if case is transferred to Family Court, Ongole or Family Court, Guntur. From the Counter of respondent, it appears that sister and brother-in-law of petitioner are working in police department in Guntur and Tenali and he apprehend threat from them.

6. Considering the contentions and rival contentions of both parties and also convenience of wife and the fact that two cases are already pending at Kakinada, East Godavari District, I deem it appropriate that this case can be transferred to Family Court, Rajahmundry, East Godavari District for disposal in accordance with law.

7. For these reasons, H.M.O.P.No.49 of 2016 is withdrawn from file of Senior Civil Judge, Markapur and transferred to Family Court, East Godavari District at Rajahmundry, for disposal in accordance with law.

8. Accordingly, the Transfer Miscellaneous Petition is ordered. No costs. As a sequel, miscellaneous petitions, if any filed in this civil miscellaneous petition, shall stand closed.

Date: 26-08-2016
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S. RAVI KUMAR, J