

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.C.M.P.No.200 of 2016

ORDER:

This petition is filed to withdraw O.P.No.8 of 2016 from the file of Senior Civil Judge, Allagadda, Kurnool District and transfer the same to Family Court-cum-Additional District Judge, Visakhapatnam.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was solemnized on 28.08.2005 at Ramakrishnapuram of chirala Village, Prakasam District, as per Hindu rites and caste custom and the marriage was also registered before Registrar of the Marriages, Chirala on 29.08.2005. She stated that immediately after marriage, she accompanied respondent to his parental house in Yerraguntla, Sirivella Mandal, Kurnool District and thereafter she left to Netherland and returned back to India and due to disputes she is living separately with her parents and she filed O.P.No.352 of 2014 before Family Court-cum-Additional District Judge, Visakhapatnam for dissolution of marriage and when the said OP is pending, respondent filed O.P.No.8 of 2016 for restitution of conjugal rights before Senior Civil Judge, Allagadda, Kurnool District, only to harass her. She stated that it is difficult for her to attend the Court of Senior Civil Judge, Allagadda by travelling such a long distance of more than 800 KMs from Visakhapatnam. She stated that respondent is already contesting the OP filed by her and no prejudice will be caused if OP filed by him is transferred to Family Court, Visakhapatnam. For these reasons, she prayed for transfer of OP from Senior Civil Judge, Allagadda to Family Court, Visakhapatnam.

3. Respondent in spite of granting time did not file any counter disputing the affidavit averments of petitioner. But advocate for respondent opposed the transfer of O.P from Allagadda to

Visakhapatnam.

4. Heard both sides.

5. As seen from the material, O.P filed by wife is earlier in point of time and as per Section 21-A(a)(b) of Hindu Marriage Act, 1955, subsequent application has to be transferred.

6. Therefore, considering the convenience of wife, and also as per the provisions of Section 21-A (a)(b) of the Act referred above, O.P filed by husband i.e., O.P.No.8 of 2016 is withdrawn from the file of Senior Civil Judge, Allagadda, Kurnool District and transferred to Family Court-cum-Additional District Judge, Visakhapatnam for disposal in accordance with law.

7. Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Miscellaneous Petitions, pending in this petition, if any, shall stand closed.

S. RAVI KUMAR, J

Date: 21-06-2016.

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