

HON'BLE SRI JUSTICE S. RAVI KUMAR

Tr.CIVIL MISCELLANEOUS PETITION No.779 of 2015

ORDER:

This petition is filed to withdraw H.M.O.P.No.81 of 2015 from the file of Senior Civil Judge, Chirala and transfer the same to Senior Civil Judge, Parvathipuram.

2. H.M.O.P.No.81 of 2015 is emanated out of a family dispute between wife and husband. Wife filed this petition. According to her affidavit, her marriage was performed with respondent on 19.02.2014 and they lived happily for few days and thereafter respondent started harassing her for dowry, as she was unable to bear harassment, she left the marital home and went to her parents house at Parvathipuram, thereafter, she lodged a complaint before I Additional Judicial First Class Magistrate, Parvathipuram for the offence under Section 498-A IPC r/w 34 IPC and Section 4 of D.P.Act. She further stated that respondent filed HMOP No.81 of 2015 for restitution of conjugal rights before Senior Civil Judge, Chirala. She stated that she is residing at Parvathipuram and it is difficult for her to travel from Parvathipuram to Chirala with a small child. She also stated that she is not financially sound to meet the travel expenses from Parvathipuram to Chirala. For these reasons, she sought for transfer of O.P from Chirala to Parvathipuram.

3. Respondent in spite of service of notice neither appeared in person nor through any advocate.

4. Heard arguments.

5. Advocate for petitioner submitted that petitioner herein also filed M.C.No.20 of 2015 before Additional Judicial First Class Magistrate, Parvathipuram and respondent is attending the Court

at Parvathipuram in connection of MC and so also criminal case and no prejudice would be caused, if O.P. is withdrawn from Chirala and transferred to Parvathipuram. He further submitted that petitioner has no financial source and got a tender aged child and it is difficult for her to travel from Parvathipuram to Chirala, therefore taking into consideration convenience of wife, her request for transfer may be considered.

6. Considering the submission of advocate for petitioner and also considering the affidavit of petitioner which remained un-rebutted, I am of the view that request of petitioner/wife can be considered.

7. For these reasons, H.M.O.P.No.81 of 2015 is withdrawn from the file of Senior Civil Judge, Chirala and transferred to Senior Civil Judge, Parvathipuram for disposal in accordance with law.

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

S. RAVI KUMAR, J

Date: 17-02-2016

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