

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.79 of 2016

ORDER:

This petition is filed to withdraw O.P.No.59 of 2015 from the file of Senior Civil Judge, Peddapally, Karimnagar District, and transfer the same to Family Court, Warangal.

2. Wife filed this petition and according to her affidavit, she filed O.P.No.270 of 2014 for restitution of conjugal rights and M.C.No.91 of 2014 for maintenance before Family Court, Warangal and after receiving notice in those cases and after filing counter, respondent-husband filed O.P.No.59 of 2015 before Senior Civil Judge, Peddapally, Karimnagar. She stated that her marriage was performed on 14.02.2013 at Hanamkonda in Warangal District as per Hindu rites and custom and she joined respondent at Godavarikhani and lived happily for four months and thereafter respondent harassed her to bring additional dowry and due to that harassment she was forced to stay with her parents and she filed complaint before Women Police Station, Warangal and thereafter filed O.P.No.270 of 2014 for restitution of conjugal rights and M.C.No.91 of 2014 for maintenance before Family Court, Warangal, and as a counter blast, respondent filed O.P.No.59 of 2015 for dissolution of marriage. She further stated that she is unable to meet the travel expenses from Warangal to Peddapally to attend the Court in connection of O.P.No.59

of 2015 and respondent is attending the Court at Warangal in connection of O.P.No.270 of 2014 and M.C.No.91 of 2014 filed by her and no prejudice would be caused to respondent if O.P.No.59 of 2015 is also transferred to Warangal.

3. This Court permitted petitioner to take personal notice to respondent and also to advocate on record in the lower Court and in compliance of the said order, advocate for petitioner filed memo on 11.04.2016 stating that notice was sent to respondent and his counsel through registered post with acknowledgment due and as per the track report, those notices were served both on the respondent and his counsel.

4. I have perused the track report. According to which, registered post addressed to respondent is served on 04.04.2016 and registered post addressed to lower Court advocate was served on 06.04.2016. In spite of service of notice respondent neither appeared in person nor through any advocate.

5. Considering the reasons stated in the affidavit and also considering the fact that two cases filed by wife are pending before Family Court, Wanragal and respondent is attending for those two cases, request of wife for transfer of O.P.No.59 of 2015 from Senior Civil Judge, Peddapally to Family Court, Warangal, has to be accepted.

6. Accordingly, O.P.No.59 of 2015 is withdrawn from

Senior Civil Judge, Peddapally and transferred to Family Court, Warangal, for disposal in accordance with law.

7. Accordingly, this transfer C.M.P. is ordered.

8. Miscellaneous petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

19th April 2016.

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