

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.402 of 2016

ORDER:

This application is filed to withdraw H.M.O.P.No.68 of 2016 from the Court of Additional Senior Civil Judge, Narasaraopet, Guntur District, and transfer the same to the Family Court, Vijayawada, to be decided along with M.C.No.96 of 2014.

2. Petitioner is wife and according to her affidavit, her marriage with respondent was performed on 12.08.2012 at I.V.Palace, Vijayawada, in accordance with Hindu rites and caste custom. It is stated that due to harassment by respondent and his family members, having no other alternative, she is living at Vijayawada and filed C.C.No.1135 of 2013 before II Additional Chief Metropolitan Magistrate, Vijayawada, and also filed M.C.No.96 of 2014 before Family Court, Vijayawada. It is stated that respondent intentionally filed H.M.O.P.No.68 of 2016 before Additional Senior Civil Judge, Narasaraopet, Guntur District, for divorce. It is further stated that respondent engaged an advocate at Vijayawada and contesting the cases and is working as software engineer at Bangalore and he filed HMOP at Narasaraopet only to cause inconvenience to petitioner; and, she being a woman who is living on the mercy of her parents, finding it difficult to go to Narasaraopet to contest the divorce proceedings without assistance of her parents. It is also stated that as respondent is attending the Courts at Vijayawada and contesting the proceedings, no prejudice would be caused to him. For these reasons, she sought transfer of H.M.O.P.No.68 of 2016 from the Court of Additional Senior Civil Judge, Narasaraopet, Guntur District, to the Family Court, Vijayawada,

3. This Court permitted petitioner to take out personal notice on respondent by Registered Post with Acknowledgement Due and in

compliance of that order, advocate for petitioner filed a memo stating that notice taken to respondent was served on 11.07.2016 and filed postal acknowledgement along with a memo. In spite of service of notice, respondent neither appeared in person nor through any advocate.

4. Heard the arguments of advocate for petitioner.

5. Considering the reasons stated in the affidavit filed in support of petition and also considering the convenience of wife and the fact that respondent is attending the Courts at Vijayawada in connection with criminal case and maintenance case, H.M.O.P.No.68 of 2016 is withdrawn from the Court of Additional Senior Civil Judge, Narasaraopet, Guntur District and transferred to the Family Court, Vijayawada, to be tried along with M.C.No.96 of 2014 in accordance with law.

6. The Tr.C.M.P. is ordered accordingly. No costs. Miscellaneous petitions, if any, pending in this petition, shall stand dismissed.

S. RAVI KUMAR, J

05th August, 2016
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