

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP.No.681 of 2015

ORDER:

This Transfer CMP is filed by the petitioner/wife against the respondent/husband for transfer of OP.No.843 of 2012 pending on the file of the Family Court, R.R.District to the Family Court, Nalgonda District.

The case of the petitioner is that she is the legally wedded wife of the respondent and their marriage was performed on 27.02.2011 at Kodad, Nalgonda District and that immediately after the marriage the petitioner joined the company of the respondent. Thereafter, the respondent and his family members started harassing the petitioner for additional dowry, as such, the petitioner gave a complaint against the respondent and his parents under Section 498-A, 506 IPC and Sections 3 and 4 of Dowry Prohibition Act in Crime No.210 of 2012 and the same was coming for trial before the Judicial First Class Magistrate, Kodad. The petitioner also filed DVC No.3 of 2013 against the respondent and his parents which is coming for trial at Judicial First Class Magistrate, Kodad, Nalgonda District. The respondent filed OP.No.843 of 2012 on the file of the Family Court, R.R.District, L.B.Nagar, seeking divorce and the same is pending. It is also stated that when the petitioner is attending the aforesaid divorce OP filed by the respondent, the respondent is threatening the petitioner with dire consequences. It is further submitted that her parents died due to severe mental sufferance mutated against her through these cases and as such she is living on the mercy of her brothers who are unable to attend along with the petitioner to each and every date of adjournment at Hyderabad. Hence, she filed the

present transfer petition.

Though notice is served, no counter affidavit is filed and there is no opposition from the respondent.

Heard learned counsel for the petitioner.

The aforesaid facts mentioned in support of this petition goes to show that the petitioner is staying at Kodad at her brothers' house and she is unable to travel all the way from Kodad to Hyderabad, alone; and that she has life threat in the hands of the respondent. Moreover, the cases filed by the petitioner are pending before the Courts at Kodad. In view of the same, and in view of the Judgment rendered by the Apex Court in ***Sumita Sing v. Kumar Sanjay and another***^[1] wherein it was held that in transfer of matrimonial proceedings initiated by the husband against wife, it is the convenience of wife that has to be looked at, I feel it appropriate to transfer OP.No.843 of 2012 pending on the file of the Family Court, R.R.District at L.B.Nagar to the Family Court, Nalgonda District.

Accordingly, the transfer CMP is allowed and OP.No.843 of 2012 pending on the file of the Family Court, R.R.District at L.B.Nagar is transferred to the Family Court, Nalgonda District. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the transfer petition, shall stand closed.

A.RAJASHEKER REDDY, J

09.02.2016

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[\[1\]](#) AIR 2002 SUPREME COURT 396