

**HON'BLE SRI JUSTICE S. RAVI KUMAR**

**TRANSFER C.M.P.No.95 of 2016**

**ORDER:**

This petition is filed to transfer H.M.O.P.No.20 of 2015 from the file of Additional Senior Civil Judge, Tenali, to Senior Civil Judge, Kothagudem.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 11.08.2012 at Pedakakani, Guntur District, and after marriage she joined the respondent to lead marital life and they lived happily for some time. She stated that she became pregnant and she gave birth to a male child on 06.09.2013. She stated that she lodged a complaint against respondent and his family members before I Town Police Station, Kothagudem, which is registered as Crime No.403 of 2014 and subsequently filed D.V.C.No.14 of 2014 before Judicial Magistrate of First Class, Kothagudem, claiming maintenance and the same is pending and respondent is attending and contesting the cases at Kothagudem. She stated that respondent filed H.M.O.P.No.20 of 2015 before Additional Senior Civil Judge, Tenali, for restitution of conjugal rights with false allegations. She stated that she is dependent on her parents, who were suffering with old age ailments, and that she is apprehending danger to her life in the hands of respondent and his family members and it is difficult for her to travel from Kothagudem to Tenali, which is nearly

about 200 kms., for these reasons she prayed for transfer of H.M.O.P.No.20 of 2015 from Tenali to Kohtagudem.

3. Respondent filed counter disputing all the affidavit averments of petitioner and stated that the present transfer petition is filed only to harass him and that the inconvenience pleaded by petitioner is absolutely false and unreasonable. It is further stated that he has a life threat from petitioner and her henchmen at Kothagudem and in H.M.O.P.No.20 of 2015 the trial has already commenced, therefore, there are no grounds to transfer the case.

4. Heard both sides.

5. Both sides submitted their arguments supporting the contentions and rival contentions of their respective clients.

6. As seen from the material, wife filed D.V.C. before Kothagudem Court and respondent/husband is already attending the Court and contesting the same, therefore, even if this H.M.O.P.No.20 of 2015 is also transferred to Kothagudem, no prejudice would be caused because he is already attending the Court at Kothdagudem in connection of D.V.C. However, advocate for respondent submitted that the presence of respondent/husband may be dispensed with in case H.M.O.P.No.20 of 2015 is transferred from Tenali to Kothagudem.

7. Considering the submissions of both side advocates, H.M.O.P.No.20 of 2015 is withdrawn from

Additional Senior Civil Judge, Tenali, and transferred to Senior Civil Judge, Kothagudem, for disposal in accordance with law. The Senior Civil Judge, Kothagudem, shall dispense with the presence of husband i.e, respondent herein for each and every adjournment. However, he shall appear as and when his physical presence is felt necessary for any specific purpose.

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

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

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**S. RAVI KUMAR, J**

30<sup>th</sup> March 2016.

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