

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.CMP. No. 724 OF 2015

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ORDER :
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This Transfer Petition is filed by the petitioner/wife against the respondent/husband to withdraw H.M.O.P.No.112 of 2015 filed by the respondent/husband for grant of divorce, on the file of Senior Civil Judge, at Kothagudem, Khammam District and transfer to Judge, Family Court, at Secunderabad.

2. It is the case of the petitioner that her marriage with the respondent was performed on 28.05.2015 at Aarya Vysya Bhavan, Musheerabad, RTC Cross Roads, Hyderabad as per the Hindu rites and customs. It is stated that though no cause of action arises within the jurisdiction of the Court at Kothagudem, the respondent has filed OP No.112 of 2015 on the file of Senior Civil Judge at Kothagudem, Khammam District, for grant of divorce. It is stated that the petitioner is residing at Secunderabad with her parents and there is no male assistance for her to travel all the way from Secunderabad to Kothagudem to prosecute the OP filed by the respondent. It is further stated that the petitioner is an un-employee and she has no income and that she cannot travel all the way from Hyderabad to Kothagudem, which is around 300 kms. It is also stated that there is threat to her life. Hence, the transfer petition.

3. Though notice is served on the respondent, no counter is filed opposing this petition, controverting the averments made in the affidavit filed in support of this petition.

4. Heard learned counsel for the petitioner as well as learned counsel for the respondent.

5. Learned counsel for the respondent submits that the respondent is also having life threat and OP can be transferred to Judge, Family Court, Khammam District instead of Family Court at Secunderabad.

6. It is to be seen in the present case that the specific assertion is made in the affidavit stating that the marriage took place at Hyderabad and they have lived together at Hyderabad. The petitioner is also residing at Secunderabad. No cause of action arises within the jurisdiction of Senior Civil Judge, Kothagudem, Khammam District and same is not controverted. Even otherwise, the petitioner is unable to travel 300 kms i.e., from Hyderabad to Khammam, to prosecute the case filed by the respondent before the Senior Civil Judge, Kothagudem, as she has no male assistant and has no source of income.

7. The Hon'ble Supreme Court in ***Sumita Sing v. Kumar Sanjay and another***^[1] 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.

In view of above facts and circumstances, I am of the opinion that H.M.O.P.No.112 of 2015 filed by the respondent/husband on the file of the Senior Civil Judge, Kothagudem, Khammam District is liable to be transferred to the Court of the Judge, Family Court at Secunderabad.

Accordingly, the Tr.CMP is allowed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

05.02.2016.

kvs

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Date: 05-02-2016

kvs

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