

**HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY**

**Tr.CMP.No.12 of 2016**

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**ORDER:**

This Transfer CMP is filed by the petitioner/wife against the respondent/husband for transfer of OP.No.75 of 2015 filed by the respondent for divorce, pending on the file of the Principal Senior Civil Judge, Gudivada to the Court of Principal Senior Civil Judge, Srikalahasthi.

The case of the petitioner is that her marriage with the respondent was performed on 18.05.2005 at Srikalahasthi, Chittoor District, as per Hindu rites and Customs and out of their wedlock, they blessed with two male children. Thereafter, the respondent and his parents started harassing the petitioner both mentally and physically for additional dowry and finally necked out the petitioner in the month of December, 2014. As such, the petitioner is staying at her parents house and lodged a complaint against the respondent and his parents on 05.01.2015, on the file of woman Police Station, Tirupathi under Section 498 A IPC and the same was registered as Crime No.1/2015. Thereafter, the petitioner also filed MC.No.1/2015 against the respondent for grant of maintenance on the file of the Additional Junior Civil Judge, Srikalahasthi. It is stated that the respondent is contesting the same and that after filing counter affidavit in the MC, he filed OP.No.75 of 2015 under Section 13(1) (1a) of Hindu Marriage Act, for grant of divorce on the file of the Prl.Senior Civil Judge, Gudivada. The grievance of the petitioner is that she is staying at her parents' house along with minor children and it is very difficult for her to travel all the way from Srikalahasthi to Gudivada which is 400 K.M away from her place and that she did not possess any

source of income and is suffering from financial crises. As such, she filed the present transfer petition for transfer of OP.No.75/2015.

Though, notice is issued and served on the respondent, there is no appearance on behalf of the respondent and no counter is filed.

The averments stated in the affidavit filed in support of this petition goes to show that the petitioner is staying with her parents at Srikalahasthi along with her minor children and unable to travel all the way from Srikalahasthi to Gudivada as it involves both physical and financial burden. In view of the same and in view of the Judgment rendered by the Apex Court in ***Sumita Sing v. Kumar Sanjay and another***<sup>[1]</sup> 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.75/2015 pending on the file of the Principal Senior Civil Judge, Gudivada to the Court of Principal Senior Civil Judge, Srikalahasthi.

Accordingly, the transfer CMP is allowed and the OP.No.75/2015, pending on the file of the Principal Senior Civil Judge, Gudivada is transferred to the Court of Principal Senior Civil Judge, Srikalahasthi. No order as to costs.

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

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**A.RAJASHEKER REDDY, J**

29.01.2016

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