

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Tr.C.M.P.No. 646 of 2015

ORDER:

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This petition is filed by the petitioner/wife to withdraw H.M.O.P.No.73 of 2015 from the file of Family Court at Eluru and transfer the same to the Court of Senior Civil Judge at Kakinada, East Godavari District.

The case of the petitioner is that her marriage was performed with the respondent on 30-06-1994 at Amalapuram according to Hindu customs and rites. After the marriage, they lived together at Eluru, since then the respondent has been ill-treating the petitioner for pretty reasons. The respondent and his family members started harassing the petitioner to bring additional dowry. Later the petitioner filed complaint before the Station House Officer, Women Police Station, Kakinada, East Godavari District and the same was registered as Cr.No.55 of 2015 under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act. Thereafter the respondent filed HMOP.No.73 of 2015 before the Family Court, Eluru seeking divorce with false allegations. The plea of the petitioner that now she is staying at Kakinada and she is unable to travel all the way from Kakinada to Eluru and there is no security to her to attend the Court at Eluru, which is nearly 300 Kms. More so the respondent has to attend in criminal case pending at Kakinada and the petitioner hails from poor family and there is no male assistance. Alleging the same, Transfer CMP is filed.

Heard learned counsel for the petitioner and learned counsel for the respondent.

It is not in dispute that a criminal case in Cr.No.55 of 2015 is pending at Kakinada before the Woman Police Station, Kakinada

and the respondent has to attend the said proceedings. Further the petitioner also expressed that it is difficult for her to travel all the way from Kakinada to Eluru, which is at a distance of 300 Kms to defend the OP filed by the respondent and she hails from poor family and there is no male assistance and no security to her. The Apex Court in the judgment of **Sumita Singh v.Kumar Sanjay and another**^[1] held that in considering transfer petitions in matrimonial proceedings, convenience of a wife be looked into.

In view of the same, I am of the opinion that it is just and proper to withdraw HMOP.No.73 of 2015 from the file of Judge, Family Court, Eluru and transfer the same to Senior Civil Judge's Court, Kakinda.

Accordingly, the Transfer C.M.P. is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

19-01-2016
nvl

[\[1\]](#) AIR 2002 SC 396