

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.116 of 2016

ORDER:

This petition is filed to withdraw O.P.No.63 of 2015 from the file of IV-Additional District Judge, Kakinada, and transfer the same to Principal District Judge, Guntur.

2. Wife filed this petition. According to her affidavit, her marriage with respondent was performed on 12.05.2014 as per Christian custom and rituals and that they lead happy marital life in the earlier days of their marriage, but subsequently respondent developed hostile attitude towards her and started harassing her for no fault of her. She stated that she was driven out from the matrimonial home and now residing at her parents house at Old Mangalagiri, Guntur District. She stated that she filed M.C.No.25 of 2015 before Additional Junior Civil Judge, Mangalagiri, which was allowed on 17.11.2015 by awarding maintenance of Rs.1,000/- per month. She also stated that she lodged a complaint with Mangalagiri Town Police Station and also filed D.V.C. before Additional Junior Civil Judge, Mangalagiri. She stated that respondent filed O.P.No.63 of 2015 before IV-Additional District Judge, Kakinada, through his father seeking divorce. She stated that she being a woman, it is difficult for her to travel from Mangalagiri to Kakinada and that she has no independent income to meet the financial burden.

For these reasons, she prayed for transfer of O.P.No.63 of 2015 from IV-Additional District Judge, Kakinada, to Principal District Judge, Guntur.

3. Respondent filed counter disputing the affidavit averments of petitioner and contended that all the allegations are falsely averred for the purpose of transfer petition. He further stated that it will cause great hardship to him to travel from Kakinada to Guntur, being a daily wage labour and he cannot afford the travelling expenses. He stated that by taking his pathetic condition into consideration, transfer petition has to be dismissed.

4. Heard both sides.

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

6. Admittedly, the cases filed by wife are pending at Mangalagiri and respondent herein is attending in connection of those cases. Advocate for respondent submitted instead of Guntur a middle place may be considered for the convenience of respondent. As the petitioner is residing at Mangalagiri, I deem it appropriate that case can be transferred to Family Court, Vijayawada, which would be convenient for both the parties.

7. For these reasons, O.P.No.63 of 2015 is withdrawn from IV-Additional District Judge, Kakinada, and transferred to Family Court, Vijayawada, for disposal in accordance with law. Family Court, Vijayawada, 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. Further, Family Court, Vijayawada, shall dispose of the case as expeditiously as possible, preferably within a period of six months from the date of receipt of the record.

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

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

S. RAVI KUMAR, J

10th August 2016.

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